

THE MADRAS LEGISLATIVE COUNCIL

Friday, the 1st September 1961.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Ceylon Tamils

* 324 Q.—SRI S. K. SAMBANDHAN : Will the Hon. the Chief Minister be pleased to state—

(a) whether the Government have received any representation with regard to the recent agitation by the Ceylon Tamils; and

(b) if so, the action taken thereon?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. THE CHIEF MINISTER) : (a) No, Sir.

(b) Does not arise.

SRI S. K. SAMBANDHAN : Is it not a fact that some representatives from the Ceylon Tamil area have come here and met the Hon. Ministers of this State and represented that this Government should represent their case to the Government of India?

THE HON. SRI R. VENKATARAMAN : Sir, this is a matter within the competence of the Government of India, being external relations. If people merely come and talk with the Ministers, it cannot be an official discussion. Therefore, there is nothing which this Government could do.

SRI S. K. SAMBANDHAN : Was there any representation from the public of this State to take up this matter with the Centre so that they might approach the Ceylon Government to settle the matter amicably?

THE HON. SRI R. VENKATARAMAN : Sir, it is not part of the duty of this State Government to make representations to the Centre. They administer the departments in their charge and the Government of India administer the departments in their charge. This is a matter which is in charge of the Government of India.

SRI S. K. SAMBANDHAN : Sir, the people affected are Tamilians. Is it not our obligation morally at least to take this up with the Centre and to see that something is done?

THE HON. SRI R. VENKATARAMAN : This is an argument and not a question.

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DR. A. SREENIVASAN : Is it not a fact that many Tamilians from Ramanathapuram and Tirunelveli emigrated to Ceylon surreptitiously for want of employment in the State?

THE HON. SRI R. VENKATARAMAN : Again, Sir, I cannot answer this question because this Government have no information on this matter.

Industrial Estate

* 325 Q.—**SRI M. ETHIRAJALU :** Will the Hon. the Minister for Industries be pleased to state—

(a) whether there is any proposal to establish an Industrial Estate at Vridhachalam; and

(b) if so, the stage at which the matter now stands?

THE HON. SRI R. VENKATARAMAN : (a) & (b) A scheme for the establishment of an industrial estate for ceramic industry at Vridhachalam, South Arcot district, has been sanctioned by the Government recently.

SRI K. V. RAMASWAMY : இந்தத் தொழிற்பேட்டைகளைக் கோவையில் நிறுவுவதாக இருக்கிறதே, அது விஷயமாகத் தகவல் தெரியுமா?

THE HON. SRI R. VENKATARAMAN : அங்கே வைப்பதாக ஒரு யோசனை இருக்கிறது.

SRI K. V. RAMASWAMY : எந்த இடத்தில் என்று சொல்ல முடியுமா?

THE HON. SRI R. VENKATARAMAN : இப்போது வந்திருக்கிற அவர்களுடைய கோரிக்கைப்படி கோவையில் வைப்பதாக இருக்கிறது.

State Transport Department

* 326 Q.—**DR. A. SREENIVASAN :** Will the Hon. the Minister for Industries be pleased to state—

(a) whether any driving experience has been prescribed as a qualification for appointment as drivers in the State Transport Department, and if so, what it is;

(b) whether there has been any reduction recently in the period of driving experience for the above appointment; and

(c) if so, what it is and the reasons for such reduction?

THE HON. SRI R. VENKATARAMAN : (a) to (c) Prior to 14th June 1961, a candidate for appointment as driver in the Madras State Transport Department should have three years experience in driving heavy motor vehicles, amongst other qualifications. This requirement has since been reduced to 18 months, as difficulties were experienced in getting the required number of

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drivers to man the services with three-year qualification. Appointments in the Madras State Transport Department are however made only after giving intensive training to those who are below standard.

DR. A. SREENIVASAN : When the owner of a private pleasure car needs a driver with at least five years' experience, is it good on the part of the Government to engage people who had not had much of driving experience and entrust their costly vehicle as well as the lives of the passengers to the tender care of the untrained people?

THE HON. SRI R. VENKATARAMAN : So far as the State is concerned, they take every care to see that competent men are chosen. I do not think that competence depends only on experience. It depends on a number of factors and we have now decided to reduce the period to 18 months and give them, at the same time, intensive training in our own workshop.

DR. A. SREENIVASAN : Is it a fact that some of the drivers expressed their inexperience when they were confronted with prosecution due to accidents and when legal proceedings were taken by the traffic department?

THE HON. SRI R. VENKATARAMAN : We have no such information, Sir.

SRI M. ETHIRAJALU : சார், சர்க்கார் உத்தியோகத்தில் இருப்பவர் 55 வயதுக்குமேல் ஓய்வு பெறவேண்டுமென்று இருக்கிறது. ஆனால் இந்த கவரன்மெண்ட் டிரான்ஸ்போர்ட்டில் இருக்கிற டிரைவர்கள் 55 வயதுக்கு மேற்பட்டும் இருப்பதற்கு ஏதாவது அனுமதி அளிக்கப்பட்டிருக்கிறதா? 55-க்கு மேல் அவர்கள் டிரைவர்களாக இருக்கக்கூடாது என்று சர்க்காரிலே சட்டம் செய்யப்பட்டிருக்கிறதா?

THE HON. SRI R. VENKATARAMAN : சர்க்காரிலே இருக்கக் கூடிய விதிகள், டெக்னிகல், இஞ்சினியரிங் இந்தமாதிரி இலாகாவாக இருந்தால், அதில் 55 வயதுக்கு மேல்கூட ஒவ்வொரு வருஷத்திற்கும், அவர்களுக்கு எக்ஸ்டென்ஷன் இல்லை, ரீ எம்ப்ளாய்மெண்ட் கொடுக்கலாம் என்று உத்திரவு இருக்கிறது. அதே உத்திரவு டிரான்ஸ்போர்ட்டுக்கும் 'அப்ளை' ஆகும்.

DR. A. SREENIVASAN : When such persons are re-employed, is a physical fitness examination carried out before re-employment?

THE HON. SRI R. VENKATARAMAN : Most certainly, yes, Sir.

SRI S. K. SAMBANDHAN : Was there complaint about the rashness of the drivers in the City of Madras and, if so, will that be due to this want of experience and relaxation of rules relating to their qualifications?

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THE HON. SRI R. VENKATARAMAN : It is always a loose and vague complaint about every section of employees, whether it is drivers or Government servants or Ministers or legislators.

SRI MOHAMED RAZA KHAN : Why do you club yourself with drivers?

THE HON. SRI R. VENKATARAMAN : These vague complaints are always heard. I do not think we should make it a point to bring it to the legislature unless there are specific cases.

Central Medical Stores, Madras

* 327 Q.—**SRI M. SUBBIAH CHETTIAR :** Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that medicine was not supplied to the local fund hospitals in Tiruchirappalli district for the last six months from the Central Medical Stores, Madras; and

(b) if so, the reasons therefor?

THE HON. SRI M. A. MANICKAVELU : (a) & (b) The supplies have since been made.

SRI M. SUBBIAH CHETTIAR : எத்தனை மாதங்கள் இந்த மருந்துகள் கொடுக்கப்படாமல் இருந்தன என்று மந்திரி அவர்களுக்குத் தெரியுமா?

THE HON. SRI M. A. MANICKAVELU : Only a few months. For instance, I may give the case of the local fund dispensary at Arambavoor. They put in an indent on the 28th August 1960. That was returned for rectification of certain mistakes, and for furnishing more particulars. That was returned only in August 1961, after about a year. That is the solitary case where there was delay. In other cases, it is only a question of a few months. In cases where medicine is required urgently, the officers have the discretion to get quotations from reputable local firms and purchase the medicine.

SRI S. K. SAMBANDHAN : Will the Hon. Minister tell us whether the amount fixed for purchase of medicines for the local fund dispensaries has been raised recently?

THE HON. SRI M. A. MANICKAVELU : I want notice about it. But I find here that some of the local fund dispensaries have purchased medicines for Rs. 2,200, Rs. 2,500, Rs. 2,700, Rs. 1,900 and in one case, Turaiyur, they have purchased for Rs. 3,000.

SRI M. SUBBIAH CHETTIAR : சென்ட்ரல் மெடிகல் ஸ்டோரில் ஸ்டாக் இல்லை என்ற காரணத்தால், இந்த டிஸ்பென்சரி களுக்கு மருந்து சப்ளை சரியாக செய்யப்படவில்லை என்பது அரசாங்கத்திற்குத் தெரியுமா?

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THE HON. SRI M. A. MANICKAVELU : அது ஒரு காலத்தில் அப்படி இருந்தது. அதையெல்லாம் திருத்தி அலுவலகவேண்டுமென்று கருதி, இப்போது கூடுமான வரையில் கிடைக்கக்கூடிய நிலைமையில் வைத்திருக்கிறோம்.

Utilisation of the waters of Siruvani river

* 328 Q.—**SRI T. P. SRINIVASAVARADAN :** Will the Hon. the Minister for Revenue be pleased to state whether any agreement has been entered into with the Kerala Government about the utilisation of the waters of Siruvani river in Coimbatore district and, if so, the terms thereof?

THE HON. SRI M. A. MANICKAVELU : No, Sir.

SRI T. P. SRINIVASAVARADAN : Did this Government approach the Kerala Government to allow our Government to draw more water?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir, it is now a matter for delicate (An hon. Member: handling) negotiation. This was even taken up in the Southern Zonal Council meeting. They have left it to the Chief Ministers of the two States to discuss about it and come to a decision.

SRI T. P. SRINIVASAVARADAN : May I know at what stage the matter now stands?

THE HON. SRI M. A. MANICKAVELU : I do not exactly know at what stage both these Chief Ministers are about the talks. But there was a first approach and then I understand that the other Chief Minister had to get information from his Government. They will meet again and discuss and come to a decision.

SRI T. P. SRINIVASAVARADAN : Sir, Coimbatore is getting only intermittent supply of water. The city is growing rapidly and the population is also increasing. May I know what other source there is for the Government to meet the needs of the people of Coimbatore regarding drinking water?

THE HON. SRI M. A. MANICKAVELU : I think the only source is Siruvani from where we can tap water. I saw some reports; they are only reports. From them I glean that they object to water being used for irrigation. They are not objecting to water being taken for drinking purposes. So, after the two Chief Ministers discuss it, they will come to a happy conclusion.

Resignation of doctors

* 329 Q.—**SRI MOHAMED RAZA KHAN :** Will the Hon. the Minister for Revenue be pleased to state the number of doctors in the Madras Medical Service who resigned from service from 1st June 1959 to 31st January 1961?

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THE HON. SRI M. A. MANICKAVELU : The number of doctors who resigned from the Madras Medical Service from 1st June 1959 to 31st January 1961, is 57.

DR. A. SREENIVASAN : Sir, is it a fact that most of these doctors had to leave the precious Madras Medical Service due to bad treatment?

THE HON. SRI M. A. MANICKAVELU : I do not know how the hon. Member always draws some far-fetched conclusions. I shall now give some of the reasons.

No. resigned for domestic or family circumstances.	No. resigned for study purposes.	Not selected by the Commission.	Not agreeing to transfer.	Other reasons.
1st June 1959 to 31st December 1959.	20	1	1	2
1960.	24	4	2	2
January 1961.	1

DR. A. SREENIVASAN : Sir, is it true that some of these doctors for some reason or other were transferred too frequently, though there is a rule laying down that no officer of the Government should be transferred within three years unless it be in the exigencies of service?

THE HON. SRI M. A. MANICKAVELU : Normally, the period is three years not only for doctors but even for other officers. But, as the hon. Member himself pointed out, in the exigencies of service they had to be transferred.

DR. A. SREENIVASAN : I think the Hon. Minister missed one word in my question, namely, 'frequently'. A certain number of officers were frequently transferred. Will the Government at least examine this?

THE HON. SRI M. A. MANICKAVELU : No, Sir. I am not prepared to examine for this reason. There are no frequent transfers, as the hon. Member suggests. For instance, some officers go suddenly on leave, especially women doctors. There are certain reasons for them.

DR. A. SREENIVASAN : Sir, is it true that some of the doctors who had put in temporary service up to five or six years were not selected by the Public Service Commission, and, therefore, there is the dearth of officers in the medical service?

THE HON. SRI M. A. MANICKAVELU : No, Sir. I cannot answer this question about the Public Service Commission.

SRI MOHAMED RAZA KHAN : Sir, is it a fact that four or five doctors resigned for study purposes, as they got scholarships from the Central Government, because the department refused to give them lien in the medical service so that after their studies were finished, they could take up their jobs?

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THE HON. SRI M. A. MANICKAVELU : If the hon. Member puts a separate question specifically, then only I can examine.

SRI MOHAMED RAZA KHAN : Sir, when this question was raised on the floor of this House more than once, and when the number of doctors resigned is as many as 57, is it not incumbent on the part of the Hon. Minister to enquire into the matter apart from the reasons given here?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir. After examining the various causes for these resignations, I do not find anything abnormal to warrant any further enquiry into the matter.

Industrial Workshop at Villupuram

* 330 Q.—SRI M. ETHIRAJALU : Will the Hon. the Minister for Industries be pleased to state—

(a) whether there is any proposal to establish an Industrial Workshop at Villupuram; and

(b) if so, the stage at which the matter now stands?

THE HON. SRI R. VENKATARAMAN : (a) & (b) A scheme for the establishment of a general purposes Engineering Workshop at Villupuram during the Third Five-Year Plan period has been recently sanctioned by the Government.

Foreshore Estate, Santhome

* 331 Q.—SRI T. P. SRINIVASAVARADAN : Will the Hon. the Minister for Industries be pleased to state—

(a) whether any representation has been received from the Non-Gazetted Officers in the Foreshore Estate, Santhome, Madras, for the reduction of rent of apartments; and

(b) if so, the action taken or proposed to be taken thereon?

THE HON. SRI R. VENKATARAMAN : (a) Yes, Sir.

(b) No decision has been taken on the representations.

SRI T. P. SRINIVASAVARADAN : May I know, Sir, what is the rent charged for the ground floor and for the first floor?

THE HON. SRI R. VENKATARAMAN : The rent is Rs. 30 for the upstairs and Rs. 32 for the ground floor.

SRI T. P. SRINIVASAVARADAN : May I know, Sir, what is the plinth area?

THE HON. SRI R. VENKATARAMAN : I do not have the information with me. But the economic rent for the building comes to Rs. 45.

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Paper manufacturing industry

* 332 Q.—SRI M. ETHIRAJALU : Will the Hon. the Minister for Industries be pleased to state—

(a) whether any representation has been received for starting a paper manufacturing industry at Tindivanam in South Arcot district; and

(b) if so, the action taken or proposed to be taken thereon?

THE HON. SRI R. VENKATARAMAN : (a) No, Sir.

(b) Does not arise.

SRI M. ETHIRAJALU : சார், திண்டிவனத்தில் அல்லாது வேறு ஜில்லாக்களிலிருந்து ஏதாவது மனுக்கள் வந்திருக்கின்றனவா? அப்படியானால் அதற்கு என்ன நடவடிக்கை எடுக்கப்பட்டது?

THE HON. SRI R. VENKATARAMAN : மனுக்கள்தான் வந்து கொண்டிருக்கின்றன. ஒருவரும் அதை வைக்கமாட்டேன் என்கிறார்கள். நாங்கள் நிறைய மனுக்களையெல்லாம் ரெகமெண்ட் பண்ணி லைசன்சு கூட வாங்கிக் கொடுத்திருக்கிறோம். ஒரு கம்பெனியைத் தவிர வேறு ஒருவரும் அதில் முயற்சி எடுத்துக் கொண்டதாகத் தெரியவில்லை.

Madras Zoo

* 333 Q.—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there is any proposal to shift the Madras Zoo to some other place; and

(b) if so, the reasons therefor and the stage at which the matter now stands?

THE HON. SRIMATHI LOURDHAMMAL SIMON : (a) Yes, Sir.

(b) It is reported that there is not enough space for the animals to move about in the present premises of the Zoo. The request of the Corporation to shift the zoo is under the consideration of the Government.

VIDWAN T. MUTHUKANNAPPAN : எந்த இடத்திற்கு மாற்றுவதாக இருக்கிறது?

THE HON. SRIMATHI LOURDHAMMAL SIMON : Guindy Park க்கு மாற்றுவதாக உத்தேசிக்கப்பட்டிருக்கிறது.

Prize Bonds

* 334 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Local Administration be pleased to state whether it is a fact that the Commissioner of Tiruvannamalai Municipality issued instructions on 27th March 1961 to the Municipal servants to buy Prize Bonds?

THE HON. SRIMATHI LOURDHAMMAL SIMON : Yes, Sir.

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DR. A. SREENIVASAN : Sir, did the Commissioner obtain the prior permission of the superiors before he issued that circular?

THE HON. SRIMATHI LOURDHAMMAL SIMON : The Collector of North Arcot issued instructions requesting the subordinates to purchase prize bonds and try their luck. Following this, he has given only instructions.

DR. A. SREENIVASAN : Is the sale of these prize bonds to be effected on a voluntary or compulsory basis, Sir?

THE HON. SRIMATHI LOURDHAMMAL SIMON : It was voluntary. The prize bonds were bought willingly by the employees there.

DR. A. SREENIVASAN : Is it a fact, Sir, that the Commissioner of the said municipality fixed the amount or the value of the prize bonds that each category of subordinates should purchase?

THE HON. SRIMATHI LOURDHAMMAL SIMON : He did it in such a way so that others may not overdo things.

DR. A. SREENIVASAN : Is it a fact, Sir, that the Commissioner did not take into consideration the economic status of people like scavengers when he compelled these people to purchase the prize bonds?

THE HON. SRIMATHI LOURDHAMMAL SIMON : They were not compelled. They were only instructed. And, as I already stated, they bought these bonds willingly.

MR. CHAIRMAN : Next question.

DR. A. SREENIVASAN : I want to know, Sir, since it is a delicate matter.....

MR. CHAIRMAN : Order, order. I have passed on to the next question.

Supply of catamarans

* 335 Q.—VIDWAN T. MUTHUKANNAPPAN : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there is any proposal to supply catamarans and ready made country boats to the fishermen through Co-operative Societies; and

(b) if so, the stage at which the matter now stands?

THE HON. SRIMATHI LOURDHAMMAL SIMON : (a) & (b) There is no proposal to supply catamarans to fishermen through Co-operative Societies. However, the Scheme for the grant of long-term loans to the members of Marine Fishermen Co-operative

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Societies for the purchase of catamaran logs and other fishing implements is already under operation. Recently loans amounting to Rs. 25,000 and Rs. 20,000 have been sanctioned to the Tirunelveli and Ramanathapuram Fishermen Co-operative Federation respectively for the construction and supply of "Vallams" to the members of the Fishermen Co-operative Societies affiliated to the Federations.

VIDWAN T. MUTHUKANNAPPAN : இந்தக் கட்டுமரங்கள் இலங்கை, மலையாளம் போன்ற தொலைதூரங்களிலிருந்து வர வேண்டியிருப்பதால், தனிப்பட்ட ஏழைகள் கஷ்டப்படுகிறார்கள். அரசாங்கமே அதை வாங்கிக்கொடுக்க முயற்சி செய்வதுபற்றி யோசிக்குமா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : அதை கவனித்து அதன்படி சிறிதுகாலம் அங்கிருந்து மரங்கள் வர வைக்கப்பட்டன. சில பிரச்சனைகள் ஏற்பட்டதால், தற்போது அது நடைமுறையில் இல்லாமல் இருக்கிறது.

SRI M. ETHIRAJALU : ராமனாதபுரத்திற்கும் திருநெல் வேலிக்கும் ரூ. 45,000 கடன் கொடுப்பதாகச் சொல்லப்படுகிறது. தென்னாட்டில் மற்ற ஜில்லா மினவர்களுக்கும் கடன் கொடுக்கப்படுகிறதா?

THE HON. SRIMATHI LOURDHAMMAL SIMON : தென்னாட்டில் மற்ற ஜில்லா மினவர்கள் கடன் வேண்டுமென்று விரும்பினால், அவர்களுடைய நிலைமையையும் தேவைகளையும் வசதிகளையும் பொறுத்து அரசாங்கத்தார் அதை வகுத்துக் கொடுக்கின்றார்கள்.

District Headquarters Hospital at Cuddalore

* 336 Q.—**SRI S. K. SAMBANDHAN :** Will the Hon. the Minister for Revenue be pleased to state—

(a) whether the construction of a 100-bedded ward in the District Headquarters Hospital at Cuddalore has been completed; and

(b) if not, the reasons therefor?

THE HON. SRI M. A. MANICKAVELU : (a) No, Sir.

(b) The contractor to whom the work was entrusted originally, did not complete the work even after the grant of two extensions of time beyond the contract period. The contract has, therefore, been terminated and arrangements are being made to resume the work by other agency.

SRI S. K. SAMBANDHAN : What is the other agency to whom this work has been entrusted?

THE HON. SRI M. A. MANICKAVELU : I think the Government themselves undertook this work.

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SRI S. K. SAMBANDHAN : Sir, the Hon. Minister may be aware that the foundation stone for the hospital was laid in 1953 or so. It is now more than 8 years. For the last many years no work has been done about the construction of this hospital. Will the Hon. Minister see that the construction of this hospital is taken up immediately?

THE HON. SRI M. A. MANICKAVELU : We have cancelled the contract and now the department itself has undertaken the work. It will be completed as soon as possible.

SRI S. K. SAMBANDHAN : Even the department has not taken up this work, though the Government gave instructions to do so six months back. What is the reason for this?

THE HON. SRI M. A. MANICKAVELU : A separate question may be put, Sir.

Avenue tamarind trees

* 337 Q.—**SRI T. P. SRINIVASAVARADAN :** Will the Hon. the Minister for Works be pleased to state whether any orders have been issued that avenue tamarind trees should not be felled?

3-26
p.m.

THE HON. SRI P. KAKKAN : No orders have been issued specifically against felling of avenue tamarind trees. However, orders have been issued more than once emphasizing the need for vigilance on the part of the officer concerned in booking offences of illicit cutting of avenue trees which include tamarind trees also.

SRI T. P. SRINIVASAVARADAN : May I know how many prosecutions were launched and how many were convicted?

THE HON. SRI P. KAKKAN : I do not have that information.

SRI M. SUBBIAH CHETTIAR : புளிய மரங்களை வெட்டுவதைத் தடுக்க அரசாங்கம் ஏதாவது நடவடிக்கை எடுக்கிறதா? மரங்களை வெட்டும் தனிப்பட்டவர்கள் வெறும் கிளைகளை மட்டும் வெட்டிவிட்டு மொட்டை மரங்களாக ரோடுகளில் விட்டு விடுகிறார்கள். அதைத் தடுக்க என்ன நடவடிக்கை எடுக்கப் படுகிறது?

THE HON. SRI P. KAKKAN : தடுப்பதற்குப் பல நடவடிக்கை எடுக்கப்பட்டது. இருந்தாலும் பல இடங்களில் திருட்டுத்தனமாக வெட்டுவது இருக்கிறது. மரங்களைப் பாதுகாப்பது, வெட்டுவதைத் தடுப்பது இவைகளைக் கவனிக்க ஒரு கமிட்டி போட்டு பரிசீலனை செய்தோம். அதன் பிறகு நடைமுறையில் அதைச் செய்வதற்கு ஒரு அட்வைசரி கமிட்டி இருக்கிறது. அதன் மூலம் மரங்களை வெட்டாமல் இருக்க ஏற்பாடு செய்யப்பட்டிருக்கிறது. அதில் ஹைவேஸ் அசிஸ்டெண்ட் இன்ஸ்பெக்டர், தாசில்தார், போலீஸ் இன்ஸ்பெக்டர், விவசாய டெமான்ஸ்ட்ரேட்டர், அந்தத்

[1st September 1961]

தொகுதியைச் சேர்ந்த எம்.எல்.சி-க்கள், எம்.எல்.சி-க்கள், யூனியன் போர்டு தலைவர், முன்னணியிலுள்ள அந்தத் தாலுகா பகுதி விவசாயிகள், அங்குள்ள பிளாக் டெவலப்மெண்ட் ஆபீசர்கள் இருக்கிறார்கள். இவர்களைப் போட்டு நடவடிக்கை எடுக்கப்படுகிறது.

SRI M. SUBBIAH CHETTIAR இந்தக் கமிட்டி மூலமாக நடவடிக்கை எடுக்கப்பட்டு அதைத் தடுப்பதற்கு ஏற்பாடு செய்யப்பட்டிருக்கிறதா?

THE HON. SRI P. KAKKAN : நடவடிக்கை எடுப்பதற்குத்தான் அவ்வைசரி கமிட்டி ஏற்படுத்தப்பட்டிருக்கிறது. இனிமேல்தான் இந்தக் கமிட்டி கூடி தக்க நடவடிக்கை எடுக்கும்.

SRI T. P. SRINIVASAVARADAN : Will the Government issue instructions to the officer entrusted with the vigilance work to see that tamarind trees on either side of public roads are not felled down?

THE HON. SRI P. KAKKAN : The Government have ordered in G.O. No. 178, Revenue, issued in April 1949 that as in the case of trees on porambores the village officers should be primarily responsible for the protection and formation of avenue trees on all public roads lying within the limits of their villages whether they vest in local bodies or are in the charge of the Highways Department.

SRI M. ETHIRAJALU : சார், இந்தப் புளி விலை அதிகமாக இருப்பதன் காரணமாக, சர்க்கார் துறையிலே இருக்கிற மரங்களை வெட்டக்கூடாது என்று ஏற்பாடு செய்யப்பட்டிருக்கிறது. ஆனால் பொதுமக்கள் வைத்திருக்கும் மரங்களைக்கூட வெட்டக்கூடாது என்று அரசாங்கம் ஏதாவது சட்டம் போடுமா?

THE HON. SRI P. KAKKAN : பொதுமக்கள் வைத்திருப்பதை வெட்டக்கூடாது என்றால், கான்ஸ்டிடியூஷன் பிரகாரம் உரிமை கேட்பார்கள். ஆகையால் இப்போது அதுபற்றி பதில் சொல்வதற்கில்லை.

Sathanur Dam

* 338 Q.—**SRI T. V. DEVARAJA MUDALIAR :** Will the Hon. the Minister for Works be pleased to state—

(a) whether there is any proposal to raise the level of the Sathanur Dam;

(b) if so, the stage at which the matter now stands;

(c) the financial assistance, if any, given by the Government of India in this regard; and

(d) whether there is any proposal to extend the water supply from the above Dam to Tiruvannamalai Samudram Eri?

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THE HON. SRI P. KAKKAN : (a) There is no such proposal but under the Sathanur Project Second Stage Scheme, Shutters are proposed over the spillway so as to store more water.

(b) The Sathanur Project Second Stage Scheme has been approved for implementation during 1961-62.

(c) As and when expenditure is incurred on the Scheme, necessary financial assistance will be claimed from the Government of India.

(d) No, Sir.

SRI T. V. DEVARAJA MUDALIAR : சாத்தனூர் டாமிலிருந்து சமுத்திரம் ஏரிக்குத் தண்ணீர் கொண்டுவருவதால் 6,000 ஏக்கர் நிலம் பலன்பெறும், குடிதண்ணீர் பஞ்சம் நீங்கும் என்பது சர்க்காருக்குத் தெரியுமா? அதனால் அதை அமுல் படுத்த அரசாங்கம் உத்தேசிக்குமா?

THE HON. SRI P. KAKKAN : கனம் அங்கத்தினர் கேட்ட கேள்விக்குப் பதில் சொல்லியிருக்கிறேன். சாத்தனூர் அணைக் கட்டிலிருந்து அங்கு தண்ணீர் கொண்டுவருவதற்கு இப்போது திட்டத்தில் இல்லை. பெண்ணையாற்றிலிருந்து திருவண்ணாமலைக்குத் தண்ணீர் கொண்டுவர வேண்டுமென்று பரிசீலனை செய்து வருகிறார்கள். அதற்கு ரூ. 6,000 செலவு செய்யத் திட்டமிட்டு இன்வெஸ்டிகேஷன் பண்ணுவதாகச் சொல்லுகிறார்கள். இன்வெஸ்டிகேஷன் ஆனபிறகு முடிவு செய்யப்படும்.

SRI T. V. DEVARAJA MUDALIAR : மத்திய சர்க்காரிலிருந்து ரூ. 50 லட்சம் அணைக்கட்டை உயர்த்துவதற்கு வந்திருப்பதாகத் தகவல் இருக்கிறது. அது ஏதாவது உண்டா?

THE HON. SRI P. KAKKAN : ரூ. 55 லட்சம் இந்த சாத்தனூர் செகண்ட் ஸ்டேஜ் ஸ்கீம்-ல் அதை 20 அடி உயர்த்த வேண்டும் மென்றும் அதன் மீது தண்ணீர் சேகரிப்பதற்கு என்றும் தான் ஒதுக்கப்பட்டிருக்கிறது.

SRI T. V. DEVARAJA MUDALIAR : அந்தமாதிரி இல்லாமல் திருவண்ணாமலைக்கு அங்கிருந்து தண்ணீர் வருவதாக சுகாதார மந்திரி அவர்கள் சொல்லியிருக்கிறார். இப்படி ஏதாவது உத்தேசம் உண்டா?

THE HON. SRI P. KAKKAN : கனம் சுகாதார மந்திரி அவர்களைத்தான் இதைக் கேட்கவேண்டும்.

SRI S. K. SAMBANDHAN : அணையின் மேல் ஷட்டர் போட்டு உயர்த்தப் போவதாக மந்திரி அவர்கள் கூறியிருக்கிறார்கள். அதனால் கீழே உள்ள நிலங்கள், தென்னாற்காடு ஜில்லா நிலங்கள், பாதிக்கப்படுமா என்பதை அரசாங்கம் கவனிக்குமா?

THE HON. SRI P. KAKKAN : அதனால் தென்னாற்காடு ஜில்லாவுக்குத்தான் அதிக நன்மை.

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SRI T. V. DEVARAJA MUDALIAR : திருவண்ணாமலை முனிசிபாலிட்டியில் நிதி வசதி சரியாக இல்லாததால், பம்பு செட்டு போட்டு தண்ணீர் கொண்டுவரமுடியாமல் இருக்கிறது. அங்குள்ள 6, 7 ஏரிகளுக்குத் தண்ணீர் வருவதால், உணவுப் பஞ்சம் நீங்கும், உற்பத்தி அதிகமாகும், குடிதண்ணீருக்குச் செளகரியமாக இருக்கும் என்பதை அரசாங்கம் யோசிக்குமா?

THE HON. SRI P. KAKKAN : பெண்ணையாற்றிலிருந்து திருவண்ணாமலைக்குத் தண்ணீர் கிடைப்பதைப்பற்றிப் பரிசீலனை செய்து அதற்காக 6,000 ரூபாயில் திட்டம்போட்டு, இன்வெஸ்டிகேஷன் செய்துக்கொண்டிருக்கிறார்கள். பின்னால் அதை வைத்துக் கொண்டு முடிவு செய்வார்கள்.

MR. CHAIRMAN : Questions are over.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the member.]

II. ANNOUNCEMENTS

(1) MESSAGE FROM THE GOVERNOR

MR. CHAIRMAN : I have received messages from the Governor of Madras recommending to the Legislative Council the consideration of the following Bills :—

(1) The Madras Occupants of Kudiyruppu (Protection from Eviction) Bill, 1961 (L.A. Bill No. 27 of 1961).

(2) The Madras Panchayats (Extension to Transferred Territory and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961).

(3) The Madras District Development Councils and Panchayats (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 33 of 1961).

(4) The Madras (Added Territories) Extension of Laws (No. 2) Bill, 1961 (L.A. Bill No. 31 of 1961)

(2) MESSAGE FROM THE ASSEMBLY

MR. CHAIRMAN : I have also received messages from the Deputy Speaker, Legislative Assembly, transmitting copies of the following Bills as passed by the Assembly for the recommendations of the Council and duly certifying that the Bills are Money Bills within the meaning of Article 199 of the Constitution of India :—

(1) The Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961).

(2) The Madras District Development Councils and Panchayats (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 33 of 1961).

(3) The Madras (Added Territories) Extension of Laws (No. 2) Bill, 1961 (L.A. Bill No. 31 of 1961).

1st September 1961] [Mr. Cairman]

I have also received a message from the Deputy Speaker, Legislative Assembly, transmitting a copy of the Madras Occupants of Kudiyruppu (Protection from Eviction) Bill, 1961 (L.A. Bill No. 27 of 1961), as passe by the Assembly, for the concurrence of the Council.

III. GOVERNMENT BILLS

(1) THE MADRAS CO-OPERATIVE SOCIETIES BILL, 1961 (L.A. BILL NO. 22 of 1961)—*cont.*

MR. CHAIRMAN : Now we shall take up the clause-by-clause consideration of the Madras Co-operative Societies Bill, 1961.

Clauses 2 and 3 were put and carried.

Clause 4

MR. CHAIRMAN : The motion is—

‘That clause 4 do stand part of the Bill’.

3-30

SRI A.K. THANGAVELU MUDALIAR : Mr. Chairman, I move—

P.m.

(i) In sub-clause (1) for the words ‘with limited or unlimited liability’, substitute the words ‘with limited liability’.

(ii) Omit the proviso to sub-clause (1) and also sub-clause (2).’’

SRI M. SUBBIAH CHETTIAR : I second the amendment, Sir.

SRI A. K. THANGAVELU MUDALIAR : இப்பொழுது வந்த கூட்டுறவுச் சட்டத்தில் 4-வது க்ளாஸ், (c)-படி. Registrar-க்கு அதிகாரம் கொடுக்கப்பட்டிருக்கிறது. இந்த அதிகாரத்தில், limited and unlimited societies இரண்டையும் Register பண்ண அதிகாரமிருக்கிறது. Unlimited, என்ற வார்த்தையை எடுத்து விடும்படியாகக் கேட்டுக்கொள்ளுகிறேன். காரணம் unlimited சங்கத்தில் அங்கத்தினர்களாகச் சேர்ந்தால், அவர்கள் ஆஸ்திகளை சங்கத்திற்குப் ‘பொறுப்பு’ கொடுக்க வேண்டியதாக இருக்கிறது. அப்படி சங்கத்திற்கு, மொத்தமாகச் சேரும் மெம்பர்களுக்கு, ஒரு மெம்பருக்கு ஆஸ்தி 50, மற்றொருவருக்கு 100, இன்னுமொருவருக்கு 1,000. ஆனால் இவைகளெல்லாம் மொத்தமாகச் சேர்ந்து சங்கத்தின் ஆஸ்தியாகிறது. Unlimited-ல் சங்கத்திற்கு ஜவாப் தாரியாகிறது. ஒருவன் சங்கத்தில் 50 ஆயிரம் ரூபாய் சொத்தை காட்டி, மூன்று ஆயிரம் கடன் வாங்கலாம். அதற்குமேல் வாங்க முடியாது. ஆயிரம் ரூபாய் சொத்தைக்காட்டி ரூ. 3,000 கடன் வாங்கலாம். ஊரான் வாங்கும் கடனுக்கு ரூ. 50,000 சொத்துக்காரர் ஜவாப்தாரியா? அவரவர் வாங்கும் கடனுக்குத் தான் அவரவர் ஜவாப்தாரியாக வேண்டும். தாராளமாக விவசாய மெம்பர்கள் சேரலாமென்று சட்டத்தில் சொல்லமுடியாது. அதனால், யாரும் சொத்து சேர முடியாமலிருக்கிறது. ஆகையினால்தான், unlimited அதிகப்படி விவசாயிகள் சேர தாராளமாக வழியிருக்க வேண்டுமென்று சொல்லுகிறேன். சங்கக் கடனுக்குத் தங்கள் சொத்தை ஈடு காட்டுவது என்பதை நீக்க, தங்கள் கடனுக்குத்தான் சொத்து ஈடு காட்டவேண்டும். இந்த விதி 1912-ல் ஏற்பட்டது. பிறகு 1959-ல் மாற்றப்பட்டு 1961-ல் மாறி வந்திருக்கிறது. அந்தக் காலத்தில் ஏற்பட்டதற்குக் காரணம் Financial Bank-ஐ நம்பி கடன் கொடுப்பதில்லை. நாங்கள் deposit கட்டினால், யாருக்குக் கடன்

[Sri K. A. Thangavelu Mudaliar] [1st September 1961]

கொடுக்கிறார்களென்று டிபாசிட்டுடர்கள் கேட்டார்கள். அப்பொழுது சர்க்கார் அதை, இந்த மாதிரி unlimited என்று வைத்து ஊரார் சொத்தை ஜவாப்தாரியாக்கி கொடுக்கும் டெபாசிட்டுக்கு கஷ்டம் வராது என்றும் பணம் கொடுக்கலாமென்றும் சொன்னார்கள். அந்த unlimited society -க்கு Financial Bank கடன் கொடுப்பதால் வாங்குவோர் சொத்து deposit-க்கு guarantee யாக இருக்குமென்று நம்பி பணம் போட்டார்கள். செண்டரல் பாங்குக்கு சொந்தமாக One lakh share guarantee இருக்கிறது. கிராமத்தில் சொத்து இருக்கிறது என்ற நம்பிக்கையில் கொடுத்தார்கள். இப்பொழுது, சர்க்கார் லேவாதேவி சங்கத்திற்குக் கடனாக பணமும் கியாரண்டியும் கொடுப்பதால் அந்த மாதிரி அன்லிமிட்டட் வேண்டியதில்லை. சர்க்காரை செண்டரல் பாங்கு என்ன கேட்கிறார்கள் என்றால் நெசவாளர்கள் சங்கம் போன்ற லிமிடெட் சங்கத்தினார்கள் என்றால் நெசவாளர் சங்கம் போன்ற லிமிடெட் சங்கத்திற்கு கொடுக்க மாட்டோம். deposit பணத்தை எடுத்துக்கொடுக்க முடியாது என்று சொல்லுகிறார்கள். உடனே, பணலாவாதேவி சங்கத்திற்கு கவர்மென்ட் கியாரண்டி கொடுக்கிறார்கள். இவர்களுக்குக் கொடு கடன் என்று சொல்லுகிறது சர்க்கார். முடியாது என்று சொன்னால் சர்க்கார் கியாரண்டி கொடுக்குமளவுக்கு வந்திருக்கிறது, பழைய Co-operative Society இல்லை. இப்பொழுது பிரகாசம் கவர்மென்ட் காலத்தில் நெல் பிடிக்க, பிரைமரி சொசைடிகளுக்கு கடன் கொடுக்கும்படி செண்டரல் பாங்குக்கு உத்திரவு போட்டார்கள். நிறைய கொடுக்கமாட்டோமென்று பண லாவாதேவி பாங்கர் சொன்னார்கள். அதற்கு guarantee கொடுக்கிறேமென்று சொன்னார்கள். ஒவ்வொரு பார்டிக்கும் பணம் ரூ. 20,000, 10,000, 7,000, 4,000 என்று நெல் வாங்கப் போவதால் கொடுத்தோம். கணக்கை close பண்ணினார்கள். அந்த மாதிரி இப்போது இந்த சர்க்கார் கடன் வாங்கவும் guarantee கொடுக்கவும் தயாராக இருக்கிறது. அதனால்தான் unlimited வைத்திருப்பது விவசாயிகளுக்கும் பெரிய தொந்திரவு. இப்போது கடலூரில் Registrar பேசியிருக்கிறார். 20-ம் தேதியன்று, நாங்கள் எல்லாம் Central Bank Deposit உத்திரவாதம் கொடுக்கப் போகிறேமென்று பேசியிருக்கிறார். அந்த மந்திரி இருக்கும் பொழுது நான் சட்டம் வரும்பொழுது பேசாமலிருந்தேன். கனம் மந்திரி அவர்கள் பின்னால் பேசினார்கள். இச்சட்டம் பழசு. ஒரு காலத்தில் வளைந்து போயிருக்கிறது. அதைக் கொஞ்சம் கொஞ்சமாக நிமிர்த்த வேண்டுமென்று சொன்னார். இது பழைய சட்டம். திடீரென்று எடுத்தால், ஆபத்து என்று சொன்னார். ஆனால் உடனே எடுக்க வேண்டுமென்று சொன்னார். அவருக்கு ஆசை தான். அவர் காலத்தில் எடுத்தால் நல்லதென்று நினைக்கிறேன். ஆகையினால், இதை அவசியம் எடுத்தாக வேண்டுமென்பது என் அபிப்பிராயம்.

Sri M. ETHIRAJALU :

இப்பொழுது கூட்டுறவு இயக்கம் வளர்ந்து வருகிற நிலையில் பல்வேறு விதிகளை ஏற்படுத்தி தவறு செய்பவர்களைக் கண்டிக்கும் நிலையில் இந்த மசோதா உருவாகி

1st September 1961] [Sri M. Ethirajalu]

யிருக்கிறது. அப்படி இருக்கும் நேரத்தில் unlimited-ஐ எடுத்து விட்டால் கூட்டுறவுச் சங்கத்திற்கே பாதகமேற்படுமென்று சொல்லுவேன். ஆகவே, அந்த unlimited-ல் ஏதாவது தவறுகளேற்பட்டால், இப்பொழுது இருக்கும் நிலையில் அதைத் தடுக்கமுடியாதென எண்ணி, இப்பொழுது அந்த வார்த்தைகளை strike செய்யக் கூடாதென்பது தான் எனது கோரிக்கையாகும்.

THE HON. SRI R. VENKATARAMAN : சேர்மன் அவர்களே, கனம் அங்கத்தினர் திரு. தங்கவேல் முதலியாரவர்கள் சொன்ன கருத்துக்கள் சிறந்தவைதான். ஆனால், சட்டத்தில் unlimited liability society வைக்கவேண்டுமென்று போடப்பட்டிருப்பதால், இஷ்டப்பட்டால் எப்படி வேண்டுமானாலும் வைத்துக்கொள்ளலாமென்று கொடுத்திருக்கிறோம். யார் எது வைத்துக்கொள்ளலாமென்று நினைக்கிறார்களோ, அதை வைத்து மனு கொடுக்கவேண்டும். சட்ட பூர்வமாக unlimited liability society வைக்கக்கூடாதென்று சொல்லுவது சரியல்ல. திடீரென்று மாற்றினால், இன்றைக்கிருக்கும் ஆயிரத்திற்கு மேற்பட்ட unlimited society -களை உடனே மாற்றுவது சுலபமான காரியமல்ல. இந்தச் சட்டத்தில் unlimited society -ஐ limited liability society ஆக மாற்ற விரும்புகிறேன். விரும்பினால் மாறுதல் செய்து கொள்ளலாம். ஆகவேதான் இந்தத் தீர்மானம் அவசியமில்லையென்று நினைக்கிறேன்.

MR. CHAIRMAN : Is the hon. Member pressing his amendment?

SRI A. K. THANGAVEL MUDALIAR : I withdraw my amendment, Sir.

The amendment was, by leave, withdrawn.

Clause 4 was put and carried.

Clauses 5 to 21 were put and carried.

Clause 22.

MR. CHAIRMAN : The motion is—

‘ That clause 22 do stand part of the Bill.’

VIDWAN T. MUTHUKANNAPPAN : Sir, I move—

‘ For the existing clause 22, substitute the following :—

“ 22. *Inspection of accounts by member.*—Any member of a registered society may, after previous notice and subject to such restrictions as may be prescribed by the by-laws, by himself, or by a skilled agent, inspect the accounts of a society and take extracts. Further, the society shall furnish to the member a certified copy of any such document, or part thereof, on payment of such charges as may be determined by the Committee.”

The amendment was duly seconded.

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VIDWAN T. MUTHUKANNAPPAN : தலைவர் அவர்களே, அன்றைக்கு விவாதத்தின்போது இதைப்பற்றி நான் விரிவாக விளக்கிக்கூறிவிட்டேன். ஆனாலும் இன்றைக்கு என்னுடைய திருத்தத்தை ஆதரிக்கும் முறையில், சில உண்மையான சான்றுகளை எடுத்துக்கூறுவதற்குத்தான் விரும்புகிறேன். கூட்டுறவு சங்கம் உண்மையிலேயே நல்ல சவையான-உயர்ந்த வாழ்க்கைக்கு ஆக்கமும் ஊக்கமும் தருகிற பலவகைப் பண்டங்கள் வைக்கிற பெட்டி போன்றதாகும். முன் இருந்த சட்டம் ஜாதிக்காய்ப் பலகையிலே செய்யப்பட்ட சாதாரணப் பெட்டிபோன்றது. அதிலே ஈக்களும், எறும்புகளும் புகுவதைப் போன்று வஞ்சகர்கள் புகுந்து அந்தச் சட்டமாகிய பெட்டியைக் கெடுத்துவிட்டார்கள். இப்போது வந்திருக்கிற புதிய

SRI K. BALASUBRAMANYA AYYAR : வண்டு என்று சொல்லுங்கள்.

VIDWAN T. MUTHUKANNAPPAN : வண்டு கொஞ்சம் பெரியதாக இருக்கிறது. அப்படியே இருக்கட்டும். புதிய மசோதாவை ஒரு ரெப்ரிஜிரேட்டருக்கு ஒப்பிடலாம். ஒழுங்கான ரெப்ரிஜிரேட்டரில் பத்திரமாகப் பண்டங்கள் இருக்கும். ஆனால் சொல்லுவதெல்லாம் அதன் சில ஸ்கூலவை சரியாக முறுக்கவில்லை. ஜாயிண்டிஸ் கொஞ்சம் ஸ்கூலவை அழுத்தமாக திருகி 'டைட்' செய்துவிட்டால் அது நல்ல ரெப்ரிஜிரேட்டராக உதவும். அதைப் போலவே இந்தத் திருத்தங்கள். கணக்குப் பார்ப்பதைப்பற்றிய திருத்தத்தைக் கொடுத்திருக்கிறேன். கனம் அமைச்சர் அவர்கள் 66-வது ஷரத்தைப் பார்க்கவேண்டுமென்று சொன்னார்கள். ஏற்கனவே நான் அதைப் பார்த்திருக்கிறேன். 66-க்கும் இதற்கும் சம்பந்தமில்லை. That is about the Registrar and the creditor not about members.. இங்கே அங்கத்தினர்களுக்கு உரிமை வேண்டும். மற்ற அங்கத்தினர்களுடைய கணக்கைப் பார்ப்பதற்கும் உரிமை வேண்டும் என்பதுதான் என்னுடைய விவாதம். ஒவ்வொரு மெம்பரும் பார்த்தால் குழப்பம் வந்துவிடுமென்று சொன்னார்கள். 'It will lead to acrimonious complaints' என்று சொன்னார்கள்.

அப்படி கம்ப்ளெயின்ட் வந்திருக்கிறதா? வேண்டுமென்றே இதற்கென்று கங்கணம் கட்டிக்கொண்டு கணக்குப் பார்க்கப் போகிறார்களோ? இல்லை. சந்தேகம் வரும்போது பார்ப்பார்கள் ஒருவனுடைய கணக்கு மற்றவர்களுக்குத் தெரியக்கூடாது என்று பூட்டி வைப்பதில் பல ஆபத்துக்கள் ஏற்படுகின்றன. இதைப் பற்றி உதாரணமாகச் சொல்கிறேன். 1950-51-ல் சென்னை வீடு கட்டும் கூட்டுறவு சங்கம் 1,500 வீடுகளுக்கு மேல் கட்டியது. It has created a history in the field of co-operation இன்றைக்குப் பெரிய ஜட்ஜுகள் போன்றவர்கள், செகரட்டரி, டெபுடி செகரட்டரி போன்ற, பல பெரிய மனிதர்கள் வாழ்கின்ற

1st September 1961] [Vidwan T. Muthukannappan]

நகரம் அது 10 ஆயிரம் ரூபாயிலிருந்து 30 ஆயிரம் ரூபாய் வரை பல் வீடுகளுக்கு மாடிகள் மாளிகைகள் போன்றவகைகளுக்கு கடன் கொடுத்தார்கள். 1950-51-ல் இந்தக் கணக்குப் பார்ப்பதைப் பற்றி பிரச்சனை எழுந்தது. ரிஜிஸ்ட்ரார் முடியாது என்று சொல்லி விட்டார். ஹைகோர்ட்டில் ரிட் போட்டார்கள். உடனே மூன்றால் இருந்த ரிஜிஸ்ட்ரார் 'காம்பரமைஸ்' பண்ணிக்கொண்டு அக்கவுண்டைப் பார்க்கலாம் என்று சொன்னார். கணக்கைப் பார்த்தார்கள். அதற்காக மூன்று பேர் கொண்ட கமிட்டி அமைத்தார்கள். அதில் 3,70,000 ரூபாய் மர்யமாக மறைந்திருப்பதாகத் தெரியவந்தது. ஒருவருடைய கணக்கை மற்றவர் பார்க்கக் கூடாது என்று மறைத்து வைத்திருந்தால், இது தெரியுமா? என்ன மறைவிடம் இதில் இருக்கிறது? 20, 25 பேர் சேர்ந்து கூட்டுறவு சங்கம் அமைக்கிறார்கள். அதில் 5 பேரை ஏஜண்டாகத் தேர்ந்தெடுக்கப் போகிறோம். ஏன் கணக்கைப் பார்த்துக்கொள்ளக் கூடாது? அன்றைக்கு மதிப்பிற்குரிய மண்பர் திரு. முனீனிவாச வரதன் அவர்கள், 'அப்படி பார்ப்பது அசிங்கமாக இருக்காதா? மற்றவர்களுடைய கணக்கைப் பார்க்கலாமா?' என்றார். உதாரணமாக நான் ஒரு கூட்டுறவு சங்கத்திலே நடந்ததைச் சொல்கிறேன். அந்த சங்கத் தலைவர் மற்ற சாதாரண மெம்பர்களை 'டிபால்டர்' என்று சொல்லி மிரட்டி வந்தார். பிறகு பார்க்கும் போது அந்தத் தலைவரே 'டிபால்டர்' என்றும் மூன்று வருடமாக அவர் பணம் கட்டாமல் இருப்பதாகவும் தெரிந்தது. இந்தமாதிரி யான ஊழல்கள், சிக்கல்கள் போகவேண்டும் என்பதற்காகத்தான் பிறருடைய கணக்கைக்கூடப் பார்க்கலாம் என்பது. அதனால் தப்பி வந்துவிடாது.

In the City Civil Court O.S. No. 577 of 1956 the Judge remarked "One observation, however, I think it right to make. 'At the bottom of the dispute is the suspicion that really there has been no addition to the estimated quantity of work in the 'A' ordinary type and 'C' type of buildings, and that the alleged omission of the estimated quantity of works in the other types of houses is not real or substantial."

எனவே பிறர்கணக்கைப் பார்த்தால் ஒருவிதமான தவறும் வந்து விடாது. வமைச்சர் சென்ற கூட்டத்தில் கூறியதுபோல, 'கன்ஃப் யூஷன்' வராது. ஏதாவது 100-ல் ஒன்றில் தான் சந்தேகம் வரப் போகிறது. அப்போது அவர்கள் அதைப் பார்க்கப்போகிறார்கள். கட்டிடத்தைப்பற்றிச் சொன்னார்கள்.

The Societies as the defendant, composed, as I am told it is, of a very large number of persons who have achieved distinction in life and have a claim to respect and attention should be the last to render necessary the compulsions of law to mete out justice.

என்று கூட்டுறவு சட்டத்தில் சொல்லப்பட்டிருக்கிறது. சம்பளம் கொடுத்து 4, 5 பேரை வைத்திருக்கிறோம். அதற்கென்றே கிளார்க்குகள், ஆபீசர்கள் இருக்கிறார்கள். அப்படிப் பணம் கொடுத்து

[Vidwan T. Muthukannappan] [1st September 1961.]

விட்டு நாங்கள் எதற்கு அதைப் பார்ப்பதற்கும் பணம் கொடுக்க வேண்டும்? இந்தத் திருத்தப்பட்ட சட்டம் அந்தமுறையில் மாற்றப்படுமானால், உண்மையிலேயே அதில் ஒருவிதமான சிக்கலும் வரமுடியாது. ஒரு நல்ல ரெப்ரிஜிரேட்டர் போல எல்லாவிதமான பாதுகாப்பும் அமைந்ததாக ஆகும். எந்தவிதமான குற்றம் குறைக்கும் இடம் இருக்காது. இப்போது தீங்குவருமென்று சொல்லவில்லை. எப்போதும் வரலாம். அதனால் அதை முனையிலேயே கிள்ளி எறியவேண்டும். இந்தச் சட்டம் நிரந்தரமான பாதுகாவல் உள்ளதாக சிறந்த சட்டமாக அப்போது விளங்கும் என்றுதான் இந்தத் திருத்தத்தைக் கொடுக்கிறேன். அமைச்சர் அவர்கள் இதை ஏற்றுக்கொள்வார்கள் என்று நம்புகிறேன்.

SRI T. P. SRINIVASAVARADAN : I am sorry, Sir, I am not able to agree with my hon. Friend Vidwan Muthukannappan. Because there were a few irregularities here and there we cannot make a sweeping statement that in all societies any member can look into the accounts of others. This is nothing but pin-pricks. It will be injurious to the efficient working of the societies. If any member wants to look into his accounts, let him look into his accounts. Why should he look into the accounts of others? If he thinks there are irregularities, it is open to him to bring it to the notice of the Board of Management or make a representation to the Registrar, who will order an inspection of the books or order an enquiry. There are two remedies : one is the power of the Board of Management and the other is that of the Registrar. Even if you find it is not easy, you can call for a meeting of the general body and that general body can constitute a committee of three or four members. If we begin to suspect and if one member begins to look into the accounts of the other members, I think the co-operative society will not at all work. I am sorry this will lead to frictions. So I oppose it very strongly. I am quite sure Government won't accept it. Having provided this much in the clause, I do not know whether it will be decent to ask for inspection of other members' accounts. Members might be granted exemption for two or three instalments for so many reasons. It is not proper for one member to probe into another member's accounts in such cases. So, I oppose it.

3-50
P.m.

SRI A. J. ARUNACHALAM : தலைவரவர்களே, வித்வான் முத்துக்கண்ணப்பன் கொண்டு வந்த தீர்மானத்தை நான் எதிர்த்துக் கொள்கிறேன். ஐக்கிய நாணய சங்கத்தால் பெரிய மனிதர்கள், உத்தியோகஸ்தர்கள், நடுத்தர வகுப்பினர், தொழிலாளி வர்க்கத்தினர் இவர்களெல்லாம் கடன் வாங்குகிறார்கள். அப்பொழுது சிலர், காலத்தோடு பணம் கட்டி விடுகிறார்கள். சிலர் தவறுகிறார்கள். ஆகையினால் தவறியவர்கள் கணக்கை ஒழுங்காக்கப் பணம் கட்டுபவர்கள் பார்க்கும் அவசியமில்லை. ஒருவர் விரோதியாக இருக்கலாம். அவர் பணம் தவறி இருக்கலாம். அந்த சமயத்தில், அந்தத் தகவலை சங்கத்தில் போய் தெரிந்துகொண்டு வெளியில் 'tom, tom'

1st September 1961] [Sri A. J. Arunachalam]

அடிக்கத்தான் அது பயன்படுமே தவிர, வேறொன்றமில்லை. ஆகவே, மகாசபை கூடும் நேரத்தில் 'Audit report.', 'ஐந்தெரிந்து கொள்ளலாமே, தவிர, இம்மாதிரி முறையற்ற வழியில் தெரிந்து கொள்ளக்கூடாது. நாணயமாக நடந்து கொள்ள வேண்டும். மற்றவர்களுக்கு advise செய்யலாமே தவிர இது நல்லதொரு திருத்தமல்ல. இதை எதிர்க்கிறேன். வாபஸ் வாங்க வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

SRI M. SESHACHARIAR : Mr. Chairman, Sir, I also oppose this amendment for this reason. There is the general body. A meeting of the general body is held once every year. We have also got the audit. The audit report is read in the general body meeting. If people have doubts, it is usually the period when the whole thing is gone into even including the administration. Furthermore, under the new Act we have added certain salutary provisions for the purpose of inspection by the Registrar at the instance of the creditors and at the instance of the financing banks, a member of the Board of Directors or somebody. Again anybody can bring irregularities to the notice of the Registrar and the Registrar will take action to rectify the defects. It is, therefore, not as if any member who finds there are defects, is left without any remedy to rectify the defects.

As it is, it seems to be the view of some that more power is given to the Registrar for the purpose of inspection, more power is given to the banks for the purpose of inspection and the right to summon such people as have some knowledge about these things. Therefore, it is not impossible to find out the defects in the working of the societies. As the hon. Member Vidwan Muthukannappan said, it is, of course, true that in certain societies, the management does not allow them to have an idea about the state of affairs in the societies. There are serious defects, of course. What the hon. Member said may be true to a certain extent. Supposing all the persons in the management are defaulters and they conspire together and see that nobody knows anything about the affairs of the society, then the only course open is to go to the Registrar and move even the financing bank. Even in such cases it is not difficult to set right matters. But to say that you must be in a position to look into the accounts of others, I think, is not at all reasonable. It is not possible also to go through the co-operative accounts and find out what the defects are. I have been saying that it is a system of accounting impossible for laymen to understand and find out the real defects. A number of accounts are kept by the societies. If you go to a marketing society or the T.U.C.S., they have got the purchase register, and several other accounts and registers. Even if you go through all of them, there cannot be a cross check and you cannot find out the defects. Therefore, there is no purpose served by an ordinary person going through the accounts to find out the defects. It is an impossible task for any ordinary person. It is not also useful to go through the accounts. If it was done, it would be harassment, as was

[Sri M. Seshacharlar] [1st September 1961]

mentioned by some hon. Members. There is again always this difficulty. There are persons who think that the persons in power always commit some mistake or other and they, therefore, go on scandalising the people in power. Once you give the handle to such people without finding out the facts, they will begin to say that there are serious defects and begin to scandalise the persons in the management. Therefore, I say it is not necessary to make this amendment.

THE HON. SRI R. VENKATARAMAN : கனம் தலைவர் அவர்களே, கனம் அங்கத்தினர் முத்துக்கண்ணப்பன் அவர்களுக்கு இரண்டு வார்த்தைகள் நான் சொல்ல விரும்புகிறேன். ஒன்று, யார் வேண்டுமானாலும் யாருடைய கணக்கை வேண்டுமானாலும் பார்க்கலாம் என்று சொல்லிவிட்டால், கொஞ்சம் கௌரவத்தைப் பார்க்கிறவர்கள் எல்லாம் கூட்டுறவு சொசைடியை விட்டு ஓடிப் போய் விடுவார்கள். இரண்டாவது திருத்தத்திலே மெம்பர் அல்லாத வெளியார்கூட அதைப் போய்ப் பார்க்கலாம் என்று சொல்கிறார்கள். அப்படி வெளியார் பார்த்து அவர்கள் அதை வெளியே போய் சொல்லிவிட்டால், தவறான பிரசாரம் செய்தால், அதற்கு எவ்விதமான பரிகாரமும் இல்லாமல் போய்விடும். மெம்பராக இருந்தாலும் அவர் அப்படித் தவறாக நடந்தால் அவரை சொசைடியை விட்டு வெளியேற்ற முடியும். மீட்டிங் போட்டு இந்தக் கணக்கை வந்து பார்த்தபின் அதைத் தவறான முறையில் வெளியே சென்று பிரசாரம் செய்தால், அவர்களை நீக்கவேண்டுமென்று முடிவு செய்யலாம். வெளியார்களுக்கு அனுமதி கொடுத்துவிட்டால், அவர்கள் மீது ஒரு நடவடிக்கையும் எடுக்க முடியாது. அதனால் அவர்களுக்கு அந்த அதிகாரம் கொடுப்பது சரியல்ல. கணக்கைப் பொறுத்தவரை, வேறு பரிகாரமே இல்லையா என்று பார்த்தால், இருக்கிறது. 66-வது பிரிவின்படி நிறையப் பரிகாரம் இருக்கிறது. தவறு ஏற்படுகிறது என்று மெம்பர் நினைத்தால், அதைக் கேட்பதற்கு திரு. அருணாசலம் அவர்கள் கூறியதுபோல, மகாசபைக் கூட்டம் இருக்கிறது. மகாசபையிலே கேட்கலாம். மகாசபையில் சரியான பதில் கிடைக்கவில்லையென்றால், அதை வைத்து ரிஜிஸ்ட்ரார் அவர்களுக்கு 'அப்ளிகேஷன்' போட்டால் அவர் இன்வெஸ்டிகேஷன் செய்து நடவடிக்கை எடுத்துக்கொள்வார். அதனால் நேரில் போய்ப் பார்ப்பதற்கே அவசியமில்லை. யார் வேண்டுமானாலும் அதைச் செய்யக்கூடாது. யாராவது பொறுப்புள்ள அதிகாரி 'prima facie case' இருந்தால், அந்தக் கணக்கைப் பார்த்துப் பரிசீலனை செய்ய அதிகாரம் இருக்கிறது. தங்களுடைய கணக்கைத் தாங்கள் பார்க்கலாம். பிறருடைய கணக்கைப் பார்க்கவேண்டுமென்றால், அதிகாரிகள் மூலம் பார்க்கவேண்டுமென்று வைத்திருக்கிறார்கள். கட்டணம் எதற்காக என்று கேட்டார்கள். கட்டணம் இல்லையென்று சொன்னால், தினம் 100 அங்கத்தினர்கள் அங்கே போய் உட்கார்ந்துகொண்டிருப்பார்கள். கட்டணம் இருந்தால், ஒருமுறைக்கு இரண்டு முறை யோசித்து

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விட்டு கணக்கைப் பார்க்கலாமா வேண்டாமா என்று முடிவு செய்து போய்ப் பார்ப்பார்கள். கட்டணம் இல்லையென்றால், கட்டுறவு சொசைடியில் வேறு வேலை செய்ய முடியாது. கணக்கு மட்டும் காட்டிக்கொண்டிருக்க வேண்டியதுதான். ஆகையால், இந்த நிலைமையில் இதை ஏற்றுக்கொள்ள முடியாது என்பதைத் தெரிவித்துக்கொள்ளுகிறேன்.

SRI A. K. THANGAVEL MUDALIAR : 'மினிட்ஸ் புக்'-
ஐயாவது எல்லோரும் பார்க்கலாமா?

THE HON. SRI R. VENKATARAMAN : மினிட்ஸ் புக் எல்லாம் சாதாரண டாக்குமெண்டுகள். இப்போது கணக்குகளைப்பற்றித் தான் பேசுகிறோம்.

VIDWAN T. MUTHUKANNAPPAN : I do not press my amendment, Sir.

The amendment was, by leave withdrawn.

Clause 22 was put and carried.

Clauses 23 to 25 were put and carried.

Clause 26.

MR. CHAIRMAN : The motion is—

“ That clause 26 do stand part of the Bill.”

SRI T. P. SRINIVASAVARADAN : Mr. Chairman, Sir, I move—

“ In sub-clause (3) (a), after the words ‘ the date of ’ and before the words ‘ a requisition ’, insert the words ‘ the receipt of ’.”

“ In sub-clause (3) (b), after the words ‘ specify the subjects ’ and before the words ‘ that shall be ’ insert the words ‘ which are definite matters of urgent importance ’.”

In regard to the first amendment, the clause states that the Committee may, at any time, call a special general meeting of the registered society and shall call such a meeting within one month of the date of a requisition in that behalf from—I have suggested the inclusion of the words ‘ the receipt of ’ after the words ‘ the date of ’ and before the words ‘ a requisition ’. This is only a verbal amendment. If the requisition is made, say on the 3rd, and it is received only on the 10th, the meeting shall be called within one month from the 10th.

The second seeks to insert the words ‘ which are definite matters of urgent importance ’. The clause, as it is, is vague and, therefore, I want to make it read : ‘ . . . and specify the subjects which are definite matters of urgent importance that shall be placed for consideration at the special meeting ’.

The amendment was duly seconded.

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SRI M. ETHIRAJALU : இந்த இரண்டாவது திருத்தத்திலே “which are definite matters of urgent importance” என்று சொல்லப் பட்டிருக்கிறது. இந்தத் திருத்தத்தை ஏற்றுக்கொண்டால், இந்த “definite matters of urgent importance” என்பதை யார் தீர்மானிப்பது என்ற பிரச்சனைக்குத்தான் இடம் ஏற்படும். இந்தத் தீர்மானத்திற்கு முடிவு கட்டுவதற்கு அந்தக் கமிட்டிக்குக்கூட அதிகாரம் இல்லையென்று வேறுவிதமாக நாம் மாற்றினால், கூட்டுறவு சங்கத்திற்கே நன்றாக இருக்காது என்று நான் சொல்லிக் கொள்ளுகிறேன். இந்தத் திருத்தத்தை ஏற்றுக்கொண்டால், இதைப்பற்றியே பரிசீலித்துக்கொண்டிருக்க வேண்டியவரும் ஆகையால் “which are definite matters of urgent importance” என்ற வார்த்தைகளை இதில் புகுத்தக்கூடாது என்று கேட்டுக் கொள்ளுகிறேன்.

*** THE HON. SRI R. VENKATARAMAN :** Sir, the Select Committee very carefully considered this particular clause and also the words ‘within one month from the date of receipt of a requisition’ and the words ‘within one month of the date of a requisition’. We felt that the societies were generally going on postponing convening of the meeting. Therefore, a large volume of opinion is in favour of having the words ‘within one month of the date of a requisition’. Therefore this clause has been put in. If, in practice, we find any difficulty later on, then it will be time to reconsider. Since the members of the Select Committee felt that we should not give time unnecessarily to the societies to postpone the convening of the meetings, we have adopted this phraseology after consideration.

So far as the second amendment is concerned, Sri M. Ethirajalu has clearly explained the implication. So, the Government are unable to accept the amendments.

SRI T. P. SRINIVASAVARADAN : On a point of clarification, Sir. Are the societies permitted to incorporate in their by-laws the phraseology ‘within one month from the date of receipt of a requisition’? Will this go against the spirit of the Act?

THE HON. SRI R. VENKATARAMAN : The Minister cannot give advice.

SRI T. P. SRINIVASAVARADAN : I withdraw my amendment, Sir.

The amendment was, by leave, withdrawn.

Clause 26 was put and carried.

Clause 27 was put and carried.

Clause 28.

MR. CHAIRMAN : The motion is—

‘That clause 28 do stand part of the Bill’.

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SRI M. SUBBIAH CHETTIAR : Sir, I move—

In sub-clause (1), after item (g), add the following as new item (h) :

“(h) has held office as member of the committee or otherwise for two consecutive terms or for six years whichever is higher either before or after the commencement of the Act unless a period of two years has elapsed from the date of the expiry of the last term of office”.

SRI G. KRISHNAMOORTHY : I second it, Sir.

SRI M. SUBBIAH CHETTIAR : தலைவரவர்களே, இந்த 28-வது ஸெக்ஷனில் முதலில் இதற்கு வழிவகை செய்திருந்தார்கள். இப்பொழுது நமக்குமுன் “Assembly”-யில் பாஸ் செய்திருக்கும் Bill-ல் இது விட்டிருக்கிறது. எதற்குச் சொல்கிறேனென்றால், நேற்று முன் தினம் நடந்த சபையில், கூட்டுறவுச் சங்க நிர்வாகத் துலிருப்பவர்கள் இந்த சங்கம் இதுவரை ஒரு கூட்டத்திற்கே பயன் பட்டு வருவதாகவும், அதனால் புதிதாக வருபவர்களுக்கு இடமில்லை பென்றும் சொன்னார்கள். அப்படி இருக்கும்பொழுது இந்த சங்கத்திற்கு எந்தக் கஷ்டமும் ஏற்படக்கூடாதென்றுதான் நான் சொல்ல விரும்புகிறேன். பொதுவாக இந்தத் திருத்தத்திற்கு அவசியமில்லை. அரசாண்மையிலும், ஆண்டி மாத்திலும்தான் பழம் பெருச்சாளிகள் இருப்பதாகக் கூறப்பார்த்திருக்கிறோம். இதற்கு சந்தர்ப்பமிருப்பதில்லை. இந்தமாதிரி வருபவர்கள் இரண்டு 4-ம் அல்லது 6 வருஷத்திற்கு மேல் இருக்கக்கூடாதென்றுதான் இந்தச் சங்கம் முடிவு செய்திருக்கிறது. இதை அமைச்சர் ஒத்துக் கொண்டு, பழம்பெருச்சாளிக்கு இடமில்லாமல் செய்யும்படி கேட்டுக்கொள்ளுகிறேன்.

SRI A. J. ARUNACHALAM : தலைவர் அவர்களே, ஆரம் பத்தில், அரசாங்கம் இந்த மசோதாவை பொதுஜன அபிப்பிராயத் திற்கு விட்டார்கள். பொதுஜன அபிப்பிராயத்தையும், இந்த இயக்கத்திலிருக்கும் பல ஸ்தாபனங்களிலிருப்பவர்களுடைய அபிப்பிராயத்தையும் கேட்ட பிறகு, இந்த கண்டிஷன் இருக்கவேண்டியது அவசியமில்லையென அரசாங்கம் முடிவு க்கு வந்திருக்கிறது. ஏற்கெனவே இந்த மசோதா வரும் போது பொதுப்படையாகப் பேசும் நேரத்தில் இந்த இயக்கத் திலுள்ளவர்களுமிருக்கிறார்கள்—சிறிய குறைகளிருக்கின்றன வென்று எல்லோரும் ஒப்புக்கொண்டார்கள். ஆனால் நீண்ட நாள் சேவை செய்பவர்களில் பலர், அந்த ஸ்தாபனத்தை வளர்த்தவர் கள், இருக்கிறார்கள். அதற்காகத் தங்கள் வாழ்க்கையை அர்ப் பணம் செய்து பலர் ஸ்தாபனத்தை வளர்த்திருக்கிறார்கள். இது போன்ற ஒரு விதியின்படி அவர்கள் பதவியை இழக்க வேண்டி வருகிறது. இப்பொழுது பல புதிய ஷரத்துக்கள் சேர்க்கப்பட் டிருப்பது இந்த அங்கத்தினர்களுக்குத் தெரியும். மெம்பர்களாக யாரை வேண்டுமானாலும் சேர்க்கலாமென்று விதி புகுத்தப்பட் டிருக்கிறது. Election-க்கு ரகசியமான முறையில் வோட்டு

[Sri A. J. Arunachalam] [1st September 1961]

எடுக்க ஏற்பாடு செய்யப்பட்டிருக்கிறது. அதிகப்படி தவறாக ஒருவர் நடந்து ஆதிக்கம் ஒருவரே செலுத்துவதாகத் தொந்தரவு, மெம்பர்களெல்லாம் சேர்ந்து ரகசிய முறையில் நிர்வாகஸ்தர்தவறுகளை மனதில் வைத்து ஓட்டு போடும் காலத்தில் அவருக்குப் பாடம் புகட்ட சங்கத்திற்கு வாய்ப்பு கொடுக்கப்பட்டிருக்கிறது. அதனால் 6 வருஷமோ, 9 வருஷமோ என்ற விதி அவசியமில்லை. நான் இந்த இயக்கத்தில் 30 வருஷமாக இருக்கிறேன். இருபத்தி மூன்று வருஷமாக சென்னை மாநிலக் கைத்தறி நெசவு சங்கத்திற்கு (இந்திய யூனில் பெரிய ஸ்தாபனமாக 220,000 தறியை வைத்திருக்கிறது). வட ஆற்காடு ஜில்லா சார்பாக 7 முறை தேர்ந்தெடுக்கப்பட்டிருக்கிறேன். ஆறு முறை போட்டியில்லாமலும், ஒருமுறை போட்டியிலும் தேர்ந்தெடுக்கப்பட்டிருக்கிறேன். ஒவ்வொரு முறையும் நானே தேர்ந்தெடுக்கப்பட்டிருப்பதாகச் சொன்னார்கள். நான் தவறு இருக்கிறதா என்று கேட்டால், இல்லையென்று சொன்னார்கள். அப்படியானால், நான் நிற்கவில்லையென்று நானே விலகினேன். நான் நின்றால் வரமுடியாதென்று கருத்து இல்லை. புதிய ஷரத்துக்களில் ரகசிய Ballot முறை ஏற்பாடு செய்யப்பட்டிருக்கிறது. Members யாரை வேண்டுமானாலும் சேர்த்துக்கொள்ளலாமென்று இருக்கிறது. இதனால் தவறு செய்பவர்கள் மறுமுறை வேண்டுமென்றால், இந்த இயக்கத்தை சுயநலத்திற்குப் பயன்படுத்த விரும்பினால், அவர்களை மெம்பர்களே வீட்டுக்குப் போங்களென்று, மற்றவர்களுக்கு ஓட்டுக் கொடுத்து அவர்களை அமர்த்தலாம். அந்த மாதிரி provision இந்த மசோதாவில் சேர்க்கப்பட்டிருக்கிறது. ஒருவரே நிற்கக்கூடாதென்று சொல்லுவது அவர் உரிமையை மறுப்பதாகும். அதற்கு அனுவசியமாக இடங்கொடுக்கக் கூடாதென்பதுதான் மக்களிடமிருமிருக்கிறது. அதற்குப் பிறகு, ஒருவரே பல ஸ்தாபனங்களில் தொடர்ந்து இருந்து வருவதைத் தடுக்க, ஒருவர் ஐந்து சங்கங்களில்தான் பதவி வகிக்கலாம் என்று சொல்லப்பட்டிருக்கிறது. அவர்கள் ஐந்தில் இருந்தால் மாநில லெவலிலும், ஜில்லா லெவலிலும் இத்தனை ஸ்தாபனங்களில்தான் இருக்கலாம் என்று இந்த மசோதாவில் சொல்லப்பட்டிருக்கிறது. அதனால் இப்பொழுது நேர்மையானவர்கள்தான் நிர்வாகத்தில் பங்கெடுத்துக்கொள்ள முடியும். இப்படிப்பட்ட நல்ல கருத்துக்கள் இதிலிருப்பதால், கனம் சபையா செட்டி கொடுத்த தீர்மானம் அவசியமில்லையென எதிர்க்கிறேன்.

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SRI M. SESHACHARIAR: Mr. Chairman, I oppose this amendment, and I wish to say only this. There is the talk of old bandicoots being here. But there is no talk of old bandicoots being in the local boards or municipalities. There are old bandicoots, of course in all walks of life. There are good people and there are bad people also. Good people do public service. They are in the positions they occupy because the people like them. We cannot say that people who are there for a longer time are always bad. It is not proper to conclude that way. A person is in

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a certain office for a long time because he has been utilizing all his powers for the good of the people and he is there by reason of the fact that he is elected to that office. It cannot be said that he is a bad man. There is the general feeling in the country that certain persons are there for a very long time and that fresh blood has not come in. The people think that younger persons must come in. For this purpose they thought that a provision could be made so that the people who had been there for six or nine years might be shut out for all time. But there are other restrictions now. There is the provision for secret ballot. There is also the circumstance that one-third of the members must retire every year. That is the uniform rule for all the societies. The period is fixed as three years. One-third of the directors have to retire once a year. It is not difficult for the people to understand at that stage whether a person is harmful or not. In a municipal council, we cannot know everything about the condition of the municipality. The budget of the municipality is not placed before all the people. But so far as the society is concerned, the budget and the audit report on the accounts are placed before the general body. People know very well how the society has been working and the nature of the persons who are managing the affairs. It is possible for the people to remove the bad persons and bring in others. This is a possibility. No doubt, people are not very much educated. It is necessary for us to educate them. That is why in the Act there is provision made for the creation of an education fund. If people are educated properly, surely the proper men alone will come. It is for us to educate the people. There are societies where the people have come to understand their rights. Everywhere we find changes. We see a number of writ petitions being filed in the High Court. It is a healthy sign that people have understood their rights. They are not prepared to allow persons to remain in the same position for all time. To say that old bandicoots are there, is not correct. We cannot have such a legislation in the municipalities and in the panchayats. Therefore, it is not proper to say that those people who are there always are to be shut out. There are other safeguards. We have restricted the membership to five societies. There are people who have been in a number of central banks and central societies and also in apex societies. Now it is all restricted. One cannot be a member in more than five societies at a time. One cannot remain there for a longer time. It will be decided by lot as to who should retire at the end of the year. There is the secret ballot also. Therefore, I say that all these provisions are enough for the purpose of bringing in younger men who would really like to come into the co-operative fold.

SRI K. BALASUBRAMANYA AYYAR : மகிப்பிற்குரிய தலைவர் அவர்களே, இந்தப் பிரச்சனையைப்பற்றி சொம்ப எவிராதம் செய்தோம். முதலில் ஒருவிதமாகப் போட்டிருந்தது. அந்தப் பிரச்சனையில் திரு. அருணாசலம் அவர்கள் வெகு உற்சாகமாக இருந்தார். நான் உண்மையைச் சொல்கிறேன். நானும் கூட இருந்தேன்.

[Sri K. Balasubramanya Ayyar] [1st September 1961]

அதையும் சொல்கிறேன். அதற்குப் பிறகு அதைப் பற்றி யோசிக்கும்போது அதில் சில நல்லதும் சில கெடுதலும் இருக்கின்றன என்று தெரிந்தது. மறுபடியும் ஆலோசனை செய்வதற்காக மெம்பர்களையெல்லாம் காலை பத்து மணிக்கே வந்து விடவேண்டும் என்றார் மந்திரி. வந்தோம். யோசனை செய்தோம். அப்போது அனேகமாக யோசித்துப் பண்ணியதுதான். பெருச்சாளி என்று சொன்னார்கள். அதை யாரும் ஒழிக்க முடியாது. என் வீட்டில் ரொம்ப நாளாக ஒரு பெருச்சாளி இருக்கிறது. அதை என்னால் அடிக்கவே முடியவில்லை. அதிலும் பழம் பெருச்சாளியாக இருந்தால் கோடவே வேண்டாம். பழம் பெருச்சாளியை ஒருவரும் அடித்தது கிடையாது. அதெற்கெல்லாம் நாம் சிரமப்பட்டால், இன்னும் இரண்டு வருஷம் போட்டாலும்கூட, அது பெரிய பெருச்சாளியாக வளர்ந்து விடுமே தவிர போகாது. அதை மாற்ற முடியாது. நம்முடைய சபாவத்திற்கு விரோதமாக உள்ள விஷயம் இது. எல்லோரும் வந்து சேரலாம், எவ்வளவு பேரும் வந்து சேரலாம் என்று இருக்கிறது. அதனால் கூட்டுறவு சங்கமெல்லாம் பெரிதாகப் போகிறது. அதனால் இனிமேல் ஒன்றும் செய்யமுடியாது. ஆகையால் இனிமேல் அப்படி ஒன்றும் இருக்காது என்றுதான் நாம் நினைக்க வேண்டும். அப்படி ஒன்றிரண்டு பெருச்சாளிகள் எல்லா இடங்களிலும் இருக்கும். விடு என்று கட்டினால் நம்மோடுகூட பெருச்சாளி வந்துவிடுகிறது. அதற்கு வாடகை, வரி ஒன்றும் கிடையாது.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, after the very effective explanation given by Sri K. Balasubramanya Ayyar, I have nothing to add. This provision was very carefully considered in the Select Committee. I can only say that much can be said on both sides, but the Select Committee's wisdom should be accepted by the House.

SRI M. SUBBIAH CHETTIAR : I withdraw my amendment. Sir.

The amendment was, by leave, withdrawn.

* VIDWAN T. MUTHUKANNAPPAN : தலைவர் அவர்களே, I move—

“(i) For the existing sub-clause (3) (a), substitute the following :—

“(a) No person shall, at the same time, be a member of the Committees of more than one society, of the same class. There is, however, no objection to a person being at the same time a member of not more than five Committees of registered societies if they are of different classes.”

The amendment was duly seconded.

1st September 1961] [Vidwan T. Muthukannappan]

*VIDWAN T. MUTHUKANNAPPAN : தலைவர் அவர்களே, இதைப்பற்றி நான் அன்றும் விளக்கமாகச் சொன்னேன். இது அனைவருக்கும் தெரிந்த சாதாரண விஷயம் நான். ஒரேவிதமான 5 சங்கங்களிலே ஒருவர் இருப்பது, மற்றவர்களுடைய உரிமையைப் பறிப்பது போலாகும். மற்றவர்களுக்கு வரக்கூடிய பலன்களை ஒருவரே எடுத்துக்கொள்வது போலாகும். எடுத்துக்காட்டாக, 5 வீடு கட்டும் கூட்டுறவு சங்கங்களிலே ஒருவர் இருக்கிறார்; 5 கிரடிட் சொசைடிகளிலே ஒருவர் இருக்கிறார்; 5 விவசாய சொசைட்டிகளிலே ஒருவர் இருக்கிறார் என்று வைத்துக்கொள்ளலாம். அப்போது மற்ற நான்கு பேர் அனுபவிக்கவேண்டியதை அவர் ஒருவரே அனுபவிக்கிறார். அப்போது மற்ற நான்கு பேருக்கு உள்ள வீடுகளை இவரே எடுத்துக்கொள்ள முடிகிறது. 12 ஆயிரம், 20 ஆயிரம் என்று கடன் கொடுக்கப்படுகிறது. அரசாங்கம் 5 வீடுகளுக்கு 60 ஆயிரம் கொடுக்கிறதென்றால் அதை ஒருவர் பெறுகிறார். அப்படியில்லாமல், ஒரேவிதமான சொசைட்டியில் பலவற்றில் இருக்காமல், வித்தியாசமாகவுள்ள சங்கங்களிலே இருப்பதில் தவறே கிடையாது. ஒரேவிதமான சங்கங்களில் ஐந்தில் ஒருவர் இருப்பதனால் மற்றவர்களுடைய உரிமை பறிபோவதுபோலாகிறது. ஆகையால், இந்தத் திருத்தத்தைக் கொடுத்திருக்கிறேன். அப்படி ஒருவர் ஐந்தில் இருப்பதற்குத் தேவை வேண்டும். அது முக்கியம். In the words of Culvert, I.C.S., 'Co-operation is a method of doing business. One circumstance without which there can be no successful co-operation is the common end of some economic advantage'. அந்தத் தேவையிருக்கவேண்டும். அப்படி ஒருவர் ஒரு வீடு கட்டும் சொசைட்டியில் இருக்கிறார் என்று வைத்துக்கொள்ளுங்கள். ஒரே வீடுதான் கிடைக்கும். மற்ற நான்கு பேர் இருக்கக்கூடியவர்களுக்குப் பலன் கிடைக்கிறது. இன்னும் பார்த்தால் கண்டிராக்டர்கள் தெரிந்தவராக இருப்பார்கள், மற்றவர்கள் தெரிந்தவராக இருப்பார்கள். இதன்மூலம் "பிஷினைஸ்" செய்வார்கள். இது ரொம்ப நல்ல மசோதா. இதில் உள்ள சில களைகள் களையப்படுமானால் அதாவது ஐந்துவிதமான சொசைட்டிகளில் ஒருவர் இருக்கலாம் என்றால் நன்றாக இருக்கும். இல்லையென்றால் மற்றவர்களுக்குப் பலன் இருக்காது.

Sir, I move also—

"(ii) For the existing sub-clause (5) (a), substitute the following :—

'(a) Such member or members of a Committee on account of whose dereliction of duty or misconduct, the Registrar had to enforce the provisions of section 72 of the Act, shall be declared, after due enquiry, by the Registrar as disqualified for election or appointment to that Committee, for a period of three years from the date of the expiry of the period of supersession'."

The amendment was duly seconded.

[1st September 1961.]

*VIDWAN T. MUTHUKANNAPPAN :

தலைவர் அவர்களே, இதிலே விலக்கப்பட்ட நிர்வாகக் குழுவினர்கள் அப்படியே போய் விடவேண்டும், அடுத்த மூன்று ஆண்டுவரை அவர்கள் திரும்ப உரக் கூடாது என்று இருக்கிறது. ஒரு நிர்வாகக்குழு இருக்கிறது. அந்த நிர்வாகம் சரியாக நடைபெறுதற்கு யாரோ சிலர்தான் காரணமாக இருப்பார்கள். 12 பேர்கள் இருந்தால் அந்த 12 பேர்களும் காரணமாக இருக்காது. என் அனுபவம் அது. மைனாரிட்டியினர் தப்பி என்று கேட்பார்கள். மெஜாரிட்டி கும்பல் கூடி ஏதோ செய்வார்கள். மைனாரிட்டியினர் ரிஜிஸ்ட்ராரிடம் முறையிட்டு தாறுமாறாக நடக்கிறது, இதைக் கலைத்துவிடுங்கள் என்று சொன்னால், அரசாங்கம் கலைத்து விடுகிறது. நிர்வாகத்தைக் கலைத்து விட்டால், நல்லவர்களாக இருந்து சொசைடி நன்றாக நடத்தப்படுகிறதே, அவர்கள் கூட மூன்று ஆண்டு காலங்களிலே இங்கு வா முடியாது என்று சொல்வது அவ்வளவு நல்லதாக நான் நினைக்கவில்லை.

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Under the Madras Co-operative Societies Act, 1932, only the entire committee of the society can be superseded. It may sometimes happen that one or two members of the committee of a society may be the evil genius.

அப்படியெல்லாம் இருப்பார்கள்.

In Bombay, rule 48 provides power to the Government to remove any of the members of the committee of a society and appoint one or more members, as the case may be, in the place of a member or members so removed.

Section 38 of the Bengal Act provides power to the Government not only to dissolve the management of the society but to disqualify any or all of the members from being elected for a period not exceeding three years.

நான் சொல்லுகிற அந்தக் குழுவை வேண்டுமானால் கலைத்துவிடுங்கள். ஆனால் குற்றமற்ற மெம்பர்களை disqualify பண்ணுவது என்று சொல்லுவது சரியில்லை. ரிஜிஸ்ட்ரார் கூட்டம் கூட்டி தவறான முறையிலே நிர்வாகக்குழு நடப்பதற்குக் காரணம் யார் என்று கண்டுபிடித்து அதற்குக் காரணமானவர்களை மட்டும் விலக்கவேண்டும். எல்லோரும் விலக்கப்படவேண்டும், 3 ஆண்டுகளுக்குள் மெம்பராக வரக்கூடாது' என்று சொல்வது சரியல்ல.

MR. CHAIRMAN : The hon. Member should not make an elaborate speech on an amendment.

*THE HON. SRI R. VENKATARAMAN : கனம் தலைவர் அவர்களே, கனம் அங்கத்தினர் திரு. முத்துக்கண்ணப்பன் அவர்கள், அங்கத்தினராக இருப்பதற்கும் கமிட்டி அங்கத்தினராக இருப்பதற்கும் உள்ள வித்தியாசத்தைச் சரியாக அறிந்து கொள்ளாமல்

1st September 1961] [Sri R. Venkataraman]

இந்தத் திருத்தத்தைக் கொடுத்திருக்கிறார் என்று நினைக்கிறேன். இப்போது இருக்கிற சட்டப்படி ஒருவர் ஒரு குறிப்பிட்ட சொசைடியில் அங்கத்தனராக இருக்கலாம். ஏனென்றால் பல கிரெடிட் சொசைடிகளில் இருந்துகொண்டு கடன் வாங்கிக்கொண்டிருப்பது கூட்டுறவு இயக்கத்தினரின் கொள்கை அல்ல. வீடுகட்டும் சொசைடிகளில்கூட ஒரு வீடுகட்டும் சொசைடியில்தான் அங்கத்தனராக இருக்கலாம் என்று இருக்கிறது. குடியிருப்பு வசதிக்காக ஒரு வீடு கட்டிக்கொள்ள கொடுக்கலாம். மற்றவர்களுக்கும் தேவையில்லை. இந்த விதிகளை அவர்கள் நினைக்கக்கூட இல்லை. அவர்கள் சொல்லுகிறபடி, எக்சிடியூட்டிவ் கமிட்டிகளிலே ஒன்றுக்குமேல் இருக்கக்கூடாது என்று சொன்னால், பல கஷ்டங்கள் வரும். உதாரணமாக, பிரைமரி சொசைடியில்—கிரடிட் சொசைடியில் இருக்கிறவர்கள்தான் சென்ட்ரல் பாங்கு சொசைடியில் இருக்க முடியும். இரண்டும் கிரடிட் சொசைடிதான். இரண்டும் ஒரே கிளாஸ் சொசைடிதான். டிஸ்ட்ரிக்ட் மார்கெட்டிங் சொசைடியில் இருக்கவேண்டுமென்றால், பிரைமரி மார்கெட்டிங் சொசைடியில் இருக்கவேண்டும். பிரைமரியில் இருக்காமல் டிஸ்ட்ரிக்ட் மார்கெட்டிங் சொசைடியில் இருக்கமுடியாது. ஆகையால்தான் ஒரே கிளாசில் உள்ள சொசைடிகளில் ஒன்றுக்குமேல் இருக்கக்கூடாது என்று சொன்னால், கஷ்டம் ஏற்படும்.

இரண்டாவது திருத்தத்தைப் பொறுத்தமட்டில், கமிட்டியில் நல்லவர்களும் கெட்டவர்களும் இருப்பார்கள். அவர்களைப் பார்த்து நல்லவர்களுக்கு மாததீரம் விலக்குக் கொடுக்கவேண்டும். தவறாக இருந்தால் 3 வருஷம் தேர்தலுக்கு நிற்கக்கூடாது என்று சொல்லலாமா என்கிறார். கமிட்டி என்பது ஜாயின்டாக எல்லா ரூடைய கூட்டுப்பொறுப்பில் நடப்பது. கூட்டுப்பொறுப்பில் நடக்கிறபோது தவறுகள் நடக்குமானால், அது கமிட்டியினுடைய தவறுதான். கமிட்டியினுடைய தவறால் எல்லோரையும் அனுப்புவதில் அவர்களுக்குக் கட்டுப்பாடு செய்வதுதான் நியாயம். அதனால்தான் இது செய்யப்பட்டிருக்கிறது. ஆகையால் இந்தத் திருத்தத்தை எதிர்க்கிறேன்.

The amendments were, by leave, withdrawn.

Clause 28 was put and carried.

Clauses 29 to 39 were put and carried.

Clause 40

MR. CHAIRMAN : The motion is—

“ That clause 40 do stand part of the Bill.”

SRI T. P. SRINIVASAVARADAN : Sir, I move—

“ In sub-clause (6), for the words ‘ five hundred rupees substitute the words ‘ one hundred rupees ’.”

[Sri T. P. Srinivasavaradan] [1st September 1961]

Sir, in the case of some credit co-operative societies the disbursing officer happens to be the Headmaster or the Correspondent and this 'five hundred rupees' is too large a sum. Therefore, I move my amendment to reduce it to Rs. 100.

The amendment was duly seconded.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, the clause only provides that the fine may extend to Rs. 500. The quantum of punishment will be left to be decided by the court and no court will inflict such a heavy fine on an elementary school headmaster, who is running a small co-operative society. But there are occasions when large sums have to be deducted. For example, factory managers have to deduct lakhs of rupees. When they do not do it, even this punishment is not adequate. In a similar legislation with regard to Provident Fund, the penalty is a fine of Rs. 1,000. Therefore, we have not imposed any hardship on the employer in this Bill. The clause may be accepted.

The amendment was, by leave, withdrawn.

Clause 40 was put and carried.

Clauses 41 to 63 were put and carried.

Clause 64

MR. CHAIRMAN : The motion is—

"That clause 64 do stand part of the Bill."

SRI T. P. SRINIVASAVARADAN : Sir, I move—

"In sub-clause (1), add the following words at the end :—

'If, however, a registered society desires to have concurrent audit by a chartered accountant, it may do so. This does not preclude the audit by the Registrar.'

This is very important amendment. Audit by the department is not done regularly. Accounts relating to 1958-59 are just now audited and because of the late audit we are unable to recover any amount that is due from members. Therefore, my amendment says that the society may be permitted, if it wants, to have concurrent audit in addition to departmental audit.

The amendment was duly seconded.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Government are alive to the fact that there has been delay in the audit of accounts of co-operative societies. We have now effected one major reform, namely, separation of audit from administration, and we have appointed an Accounts Officer to be the Chief Accounts Officer for co-operative audit. Now, the next step is to strengthen co-operative audit and Government have proposals under way to strengthen it. In the course of a year or two all these complaints about delay in audit, I expect, will be minimised.

1st September 1961] [Sri R. Venkataraman]

So far as having concurrent audit in addition to the co-operative audit is concerned, I think it is unnecessary. It will even lead to wasteful expenditure. However, in specified cases if the society makes a request, the Registrar will consider it on its merits.

SRI T. P. SRINIVASAVARADAN : I feel that this is an important matter. Therefore, I am not withdrawing my amendment.

MR. CHAIRMAN : The question is—

“ In sub-clause (1), *add* the following words at the end :—

‘ If, however, a registered society desires to have concurrent audit by a chartered accountant, it may do so. This does not preclude the audit by the Registrar.’ ”

The amendment was put and lost.

Clause 64 was put and carried.

Clause 65.

MR. CHAIRMAN : The motion is—

“ That clause 65 do stand part of the Bill.”

SRI T. P. SRINIVASAVARADAN : Sir, I move—

“ (i) In sub-clause (2), after the words ‘ the person authorized by him ’ and before the words ‘ under sub-section (1) ’ *insert* the words ‘ not below the rank of a Deputy Registrar ’.

(ii) In sub-clause (2) (a), *for* the words ‘ at all reasonable times ’, *substitute* the words ‘ during the working hours of the Society ’.

(iii) In sub-clause (2) (c), after the words ‘ may summon ’ and before the words ‘ any person ’ *insert* the words ‘ only to the office of the Society.’ ”

With regard to the first amendment, sometimes the Co-operative Inspector is authorized to conduct this inquiry. In some cases it is the Co-operative Sub-Registrar and in some other cases it is the Junior Co-operative Sub-Registrar. Therefore, my amendment says that he should be one not below the rank of a Deputy Registrar.

With regard to the second amendment, the Hon. Minister, will see its reasonableness. In clause 22 it is stated that any member of a registered society may, at any time ‘ during office hours ’ inspect the accounts of the society. But in this clause it is stated ‘ at all reasonable times ’. I know in one case the inquiry officer wanted the inquiry to be held at 8 o'clock in the evening. Therefore, I have stated that it should be ‘ during the working hours of the society ’.

With regard to the third amendment, the sub-clause says that ‘ he may summon any person ’. Is it to his residence or to some other place? It should be to the office of the society. The inquiry must be held in the office of the Society, and the person must be summoned to the office of the Society.

[1st September 1961]

SRI S. NATARAJAN : I second the amendment, Sir.

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p.m.

* THE HON SRI R. VENKATARAMAN : Mr. Chairman, Sir, the question of enquiry will depend on the nature of the society. What is the use of asking a Deputy Registrar to go and enquire into the affairs of a society with about 50 members and five thousand rupees capital? For that a Co-operative Junior Inspector would be sufficient. For a higher society there is the Senior Inspector. If it is a still bigger society, then the Deputy Registrar could enquire. Therefore, the discretion should be with the Government or with the Registrar. The departmental officer as may be necessary in the circumstances of the case will, of course, be deputed.

So far as the second amendment of the hon. Member is concerned, if we merely say 'working hours', it will be very difficult for the officer concerned to attend to departmental work as well as to this work. There is also another difficulty. Many members of the co-operative societies may be employees and if we say 'office hours', no member working in other offices would be able to come and attend the enquiry. That is why we have said it should be "at all reasonable times". It is not possible to lay down conditions in statute for all contingencies. That is why we used the expression "reasonable times". If there is any particular difficulty or complaint, it should be made to the Registrar.

As regards clause (3), the amendment will be difficult to observe, because it may be that he has to be summoned to the Financing Bank for purposes of proving an entry. Money is given by the Financing Bank. The documents of the Financing Bank cannot be carried outside it for enquiry into the affairs of a society which is not working well. This examination and summoning must be left to the officer conducting the enquiry. If there is any mistake on the part of the officer conducting the enquiry, the matter could be taken up to the higher officers for due attention.

MR. CHAIRMAN : Is the Hon. Member withdrawing his amendment?

SRI T. P. SRINIVASAVARADAN : Sir, I withdraw my amendment.

The amendment was, by leave, withdrawn.

Clause 65 was put and carried.

Clauses 66 to 78 were put and carried.

Clause 79.

MR. CHAIRMAN : The motion is—

'That clause 79 do stand part of the Bill.'

1st September 1961]

SRI A. K. THANGAVEL MUDALIAR : Mr. Chairman, Sir,
I move—

‘ In sub-clause (1), add the following proviso :—

“ Provided that it shall be a condition of the agreement that a member of the Joint Farming Society whose lands have been pooled, shall be entitled to the income derived by him from the land immediately before he joined the society.” ’

The amendment was duly seconded.

* SRI A. K. THANGAVEL MUDALIAR : தலைவர் அவர்களே, ஏழை விவசாயிகட்கு இது கஷ்டம். பெரிய விவசாயிக்குத்தான் லாபம். சங்கத்தில் சேரும்பொழுது 2, 4, 10, 100 ஏக்கர் வைத்திருப்பவர்கள் பலவிதமாகச் சேருகிறார்கள். 2, 3 ஏக்கர் இருப்பவர்களுக்கு வேறு சொத்து கிடையாது. 60 ஏக்கர் சேர்த்து சங்கத்தை ஆரம்பித்தால் சிறிய விவசாயிகளுக்கு அதிலேயே பாடு பட வேண்டியிருக்கிறது. அப்பொழுது ஏற்கனவே அதில் சம்பாதித்த வருமானம் இல்லாது போய்விட்டால் என்ன செய்வான்? வேலை செய்தால் கூலி. ஒரு வருஷம் செய்தால்தான். சங்கத்தில் சேர்ந்த வருஷ முடிவில் லாபம் வரவில்லை. நஷ்டந்தான் வந்தது. அப்பொழுது, ஒன்றுமில்லை அவனுக்கு. வரவேண்டிய வருமானத்தை இழக்க நேரிடுகிறது. ஏற்கனவே சொந்தமாக இருந்த 4 ஏக்கரை வைத்து அதை உழுவான். அந்த ஏக்கரில் இருக்கும் லாபமிருக்கிறதே அது கெடாமல் அவர்களுக்குக் கொடுக்க சட்டத்தில் வழிசெய்ய வேண்டும். ஐந்து வருஷங்கழித்து லாபம் வருவதாக இருந்தால், லாபத்தில் 50% நில சொந்த விவசாயிக்கு ஒதுக்கப்படுகிறது. சட்டத்தில் சங்கத்தில் சேரும்பொழுதே ஏற்கனவே இருக்கும் வருமானத்திற்கு பாதகமில்லாமல் இந்த கூட்டத்தில் சேர்க்கவேண்டும். பணக்காரகை இருப்பவன் 10 ஏக்கர் புஞ்சை நிலம் சங்கத்தில் சேர்த்ததில் கரும்பு, வாழை, நஞ்சைப்பயிர் வைக்க லாயக்குள்ளதாகிறதே என்று விட்டு விட்டு லாபத்தைக் கருதாது போய் விடுகிறான். ஏழை என்ன செய்வான். வேறெங்கும் போக முடியாது. ஆகையால் அவனுக்கு நஷ்டம். பணக்கார வியாபாரிக்கு லாபம். அதனால்தான் இதைச் சேர்க்க வேண்டுமென்று சொல்கிறோம். ஆகையினாலே, பழைய வருமானத்தைப் போக்காமல் வருமானத்திற்கு வழி செய்து சங்கத்தை Register செய்யவேண்டுமென்று கேட்டுக்கொண்டு முடித்துக் கொள்ளுகிறேன்.

* THE HON. SRI R. VENKATARAMAN : தலைவர் அவர்களே, கூட்டுறவு விவசாயப் பண்ணையில் சேர எந்த விதமான நிர்ப்பந்தமுமில்லை. ஐந்து ஏக்கருக்குக் குறைவாக வைத்திருப்பவர்கள் லாபமில்லையென்று நினைத்தால், சேரத் தேவையில்லை. சேர்ந்தால் லாபம் வருமென்று நினைக்கிறபொழுது, வரும் லாப நஷ்டத்தை அவர்கள்தான் பொறுத்துக்கொள்ள வேண்டும். அதனால், அவர்களுக்கு ‘guarantee’ கொடுக்கவேண்டுமென்று மற்ற ஏழை மெம்பர்கள் வருவாயிலிருந்து பிடிப்பது நல்லதல்ல. யாராவது, ஐந்து

[Sri R. Venkataraman] [1st September 1961]

ஏகராவுக்குக் குறைவாக வைத்திருப்பவர்கள் சங்கத்தில் சேர்ந்தால், மூன்று வருடத்திற்கு மட்டும் என்ன வந்ததோ அதற்கு guarantee கொடுக்க வேண்டுமென்று சொன்னார். மற்றவர்கள் வருவாயிலிருந்து எடுத்துக்கொடுக்க முடியாது. அவர்களாக யோசனை செய்து செய்யவேண்டுமென்று சொல்லிக் கொள்ளுகிறேன். பணம் கொடுப்பது பற்றியவரை சொல்லியிருக்கிறேன். இதைச் செலவோடு சேர்த்து வைக்க வேண்டும்.

MR. CHAIRMAN : Is the hon. Member withdrawing his amendment?

SRI A. K. THANGAVEL MUDALIAR : Sir, I withdraw my amendment.

The amendment was, by leave, withdrawn.

Clause 79 was put and carried.

Clauses 80 to 87 were put and carried.

New clause 87-A

* SRI M. SUBBIAH CHETTIAR : Mr. Chairman, Sir, I move—

After clause 87, add the following as new clause 87-A :

“ 87-A (1) Where an order has been made for the winding up of a registered society the liquidator shall submit a report to the Registrar whether he is of opinion any loss has been caused to the registered society since its formation by any act or omission (whether or not a fraud has been committed by such act or omission) of any member of the committee or office-bearer of the registered society.

(2) If, on consideration of the report submitted under subsection (1), the Registrar is of opinion that any member of the committee or any office-bearer of the registered society should be examined, he shall institute an enquiry in the manner prescribed.

(3) Where on such enquiry, the Registrar is of opinion (whether a fraud has been committed or not) that a member of the Committee or an office-bearer of the registered society is not fit to be a member of the committee or an office-bearer, he may make an order that such a person shall not without the leave of the Registrar, be a member of the committee or an office-bearer of any registered society.”

The amendment was duly seconded.

4-40
P.m.

* SRI M. SUBBIAH CHETTIAR : சார், இப்பொழுது இந்தத் திருத்தம் கொண்டுவந்ததன் காரணம், இந்த சமயத்தில் 28 தீர்மானங்கள் கொண்டு வந்திருக்கிறோம். அதை எல்லோரும் சேர்ந்து பல நாள் விவாதிப்பதற்கு வசதி செய்ய வேண்டுமென்று சொன்னார்கள். ஒருவன் நல்லவனாக இருப்பதாக நாம் நினைக்கலாம். ஏதோ சில காரணங்களால், Society-ஐ liquidate செய்யும் நிலைமையை ஏற்படுத்தி, அதற்கு Liquidator-ன் நியமித்த தவறான காரியமேற்பட்டால், அதற்கென ஒரு விதி இருக்கும் பொழுது, ஒருவர் செய்யும் தவறு எவ்வளவு நாளாக இருந்தாலும்,

1st September 1961] [Sri M. Subbiah Chettiar]

பொது ஜனங்களுக்கு இடைஞ்சல் ஏற்படுமென்று இருப்பதால், இதைத் தடுப்பதற்கு அந்த மாதிரித் தவறு செய்பவர்களுக்கு முதலில் இந்த சட்டத்தில் Section 71-ன் கீழ் பல Contingencie-வைத் திருக்கிறார்கள். ஆறு வருஷத்திற்கு மேலிருந்தால், ஒரு நடவடிக்கையும் எடுக்கமுடியாதென்று சொல்லுகிறார்கள். ஆறு வருஷமென்று சட்டத்திலிருப்பதால், உண்மையான தவறேற்பட்டால், எத்தனை வருஷ காலம் ஆனாலும் Co-operative Societys-ல் இல்லாமலிருக்க வழி செய்யாத காரணத்தை வைத்துத்தான் இதைக் கொண்டு வந்திருக்கிறேன். இதனால் கூட்டுறவு ஸொஸைடியில் பல காலமாகத் தீமை செய்தாலும் ஒன்றும் செய்யமாட்டார்களென்று நினைக்க வழியில்லாமலிருக்கும். முக்கியமாக, கூட்டுறவுச்சங்கத்தில் பணம் நல்ல புழக்கமேற்பட்டு, பாங்குகள் தொழில் செய்து வருவதால், Bank Act படி இந்தப் புதிய ஷரத்தைச் சேர்த்தால் நமக்குப் பந்தோபஸ்து ஏற்படுமென்று சொல்லி, இதை மந்திரி ஒப்புக்கொள்ளுவார்களென்று நினைக்கிறேன்.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, this has already been provided for in clause 71 where in the case of winding up of a society, if it is found that some of the Directors or other officers of the society had committed or brought about any loss, then they are liable to surcharge, and once they are surcharged under sub-clause (4) of clause 28, they would be disqualified from standing for election. Therefore, the object the hon. Member has in mind will be fulfilled according to the provisions as they stand now.

* SRI M. SUBBIAH CHETTIAR : 28-வது செக்ஷன் பிரகாரம் தவறு செய்பவர் பலநாள் இருக்க முடியாது என்று தீர்மானம் செய்யப்பட்டிருப்பதால் ஆறு வருஷத்திற்குப் பிறகு அவரையே நடவடிக்கை எடுக்க முடியாதென்று 71-வது செக்ஷனில் சொல்லப் படுகிறது. மந்திரி கூறுவதை அனுசரித்து, புனராலோசனை ஏற்பட்டதென்று எண்ணி இதை நான் வாபஸ் வாங்கிக் கொள்ளுகிறேன்.

The amendment was, by leave, withdrawn.

Clauses 88 to 122 were put and carried.

Clause 1 and the preamble were put and carried.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

‘That the Madras Co-operative Societies Bill, 1961 (L.A. Bill No. 22 of 1961), as passed by the Assembly, be passed.’

MR. CHAIRMAN : The question is—

‘That the Madras Co-operative Societies Bill, 1961 (L.A. Bill No. 22 of 1961), as passed by the Assembly, be passed.’

The motion was put and carried and the Bill was passed.

[1st September 1961]

(2) THE MADRAS OCCUPANTS OF KUDIYIRUPPU (PROTECTION FROM EVICTION) BILL, 1961 (L.A. BILL NO. 27 OF 1961)

* THE HON. SRI M. A. MANICKAVELU : Mr. Chairman. Sir, I move—

‘ That the Madras Occupants of Kudiyiruppu (Protection from Eviction) Bill^a, 1961 (L.A. Bill No. 27 of 1961), as passed by the Assembly, be taken into consideration.’

Sir, as explained in the Statement of Objects and Reasons, the object of this Bill is to give temporary protection from eviction to occupants of kudiyiruppus, as it was brought to the notice of the Government that landowners, in order to facilitate the disposal of their surplus lands before the ceiling law came into force, were evicting the agriculturists and agricultural labourers occupying their kudiyiruppus. Necessary provisions in this regard were first included in the Ceiling Bill but, on the recommendation of the Joint Select Committee on the Ceiling Bill, the provisions were omitted from the Bill and this Bill has been brought forward. The proposed Act will be on force for a period of three years only. It is the intention to bring forward, in the meantime, a comprehensive legislation in regard to the occupants of kudiyiruppu, after detailed examination as to what permanent rights should be conferred on them.

Certain amendments have been made to the Bill in the Assembly, as explained below :—

In sub-clause (6) of clause 2, for the words ‘ dwelling house ’ in the three places where they occur, the words ‘ dwelling house or hut ’ have been substituted.

To the same sub-clause, an explanation has been added that ‘ it shall be presumed that any person occupying the kudiyiruppu is an agricultural labourer or agriculturist until the contrary is proved ’. The intention behind the amendment was that no occupant of a kudiyiruppu should be evicted until it is proved that he is not an agriculturist or an agricultural labourer.

In sub-clause (7) of clause 2, for the words ‘ and includes his heirs, assignees, legal representatives or persons deriving rights through him ’, the words ‘ and includes his heirs and legal representatives ’ have been substituted.

In sub-clause (3) (a) of clause 3, for the words ‘ the kudiyiruppu ’, the words ‘ the property belonging to the owner of the kudiyiruppu ’ have been substituted.

In clause 4 and 5, the words ‘ or the major part thereof ’ have been omitted.

In sub-clause (1) of clause 7, for the words ‘ thirty days ’, the words ‘ sixty days ’ have been substituted.

1st September 1961] [Sri M. A. Manickavelu]

In the explanation to that sub-clause, the words ' a copy of ' have been omitted.

In sub-clause (2) of clause 14, items (b) and (c) have been re-lettered as (c) and (d) respectively and the following item has been inserted as item (b) :—

(b) the manner of holding summary enquiry under section 6;

In item (c) as so re-numbered, the words ' a copy of ' have been omitted.

With these amendments made in the Assembly, the Bill has come before this House for its consideration. I hope that the Council will take it into consideration and approve it.

MR. CHAIRMAN : Motion moved :

' That the Madras Occupants of Kudiyruppu (Protection from Eviction) Bill, 1961 (L.A. Bill No. 27 of 1961), as passed by the Assembly, be taken into consideration '.

SRI K. T. KOSALRAM : தலைவர் அவர்களே, இந்த மசோதாவை இவ்வளவு சீக்கிரமாகக் கொண்டுவந்த ரேவின்யூ அமைச்சர் திரு. மாணிக்கவேலு அவர்களை நான் பாராட்டுகிறேன். இந்த மசோதா வருமா என்றுதான் நான் மிகமிக சந்தேகப்பட்டுக் கொண்டிருந்தேன். இந்த மசோதா ஏழைகளுக்கு, ஏழைக் குடியானவர்களுக்கு ஒரு வரப்பிரசாதம் போன்று இருக்கிறது. மனிதன் குடியிருப்பதற்கு வீடு இல்லாமல் தவிக்கிறதைப் பார்க்கிறோம். குடிசை கட்டிக்கொண்டு வாழ்கிறான். மாடி வீடுகளிலே, மாளிகைகளிலே வாழ்கிறவர்கள் அந்தக் குடிசையைப் பிழ்த்தெறிவதில் சந்தோஷம் அனுபவிப்பதையும் நாம் பார்க்கிறோம். அந்த நிலைமையில் அரசாங்கம் இன்று நாட்டில் இருக்கிற நிலைமையை உணர்ந்து விவசாயிகள் குடியிருக்கிற இடம், அவர்கள் குடியிருக்கிற வீடு, அவர்கள் கட்டியிருக்கிற குடிசை இவைகளைப் பிரிப்பதற்கு விடமாட்டோம் என்று இந்த மசோதாவைக் கொண்டு வந்திருக்கும்போது ஒன்றுமட்டும் எனக்குப் புரியவில்லை. 1959-ம் ஆண்டு மார்ச் மாதத்திலிருந்து மாத்திரம் குடிசையிருந்தால்தான், அப்போது அவர்கள் வீடு கட்டிக்கொண்டிருந்தால்தான், அதைப் பாதுகாத்துக் கொடுக்க முடியும் என்று இந்த மசோதாவில் கண்டிருக்கிறது. மனிதன் குடியிருப்பதற்கு இடம் இல்லாமல் தவித்து எங்கோ ஒரு இடத்தில் குடிசை கட்டுகிறான். அவனுக்கு மாட மாளிகை கூடகோபுரங்கள் இருந்திருந்தால் அவன் சுற்றிலும் உள்ள நாற்றத் தண்ணீருக்கு மத்தியில் நிச்சயமாகக் குடியிருக்க வரமாட்டான். அவன் குடியிருக்க இடமில்லாத நிலையில் அது போன்ற இடங்களில் குடிசை கட்டி வாழுகிறான். அப்படியிருக்க 1959-ல் அவன் இருந்தால்தான், அதை நான் பாதுகாத்துக்கொடுப்பேன் என்று அரசாங்கம் சொல்லுமானால், அடுத்து ஒரு "விட்டிகேஷன்"-க்குத்தான் வழி செய்து நாம் கொடுக்கிறோம். பணம் படைத்தவர்கள்

[Sri K. T. Kosalam] [1st September 1961]

குறிப்பாக மடாதிபதிகள், கடவுள் பெயரால் ஏழைகளை அக்கிரமமாக, அநியாயமாகச் சுரண்டுகிறவர்கள் தினம் தினம் செய்து கொண்டுவரும் காரியங்களை நாம் பார்க்கிறோம். அவர்களைப் போன்றவர்கள் 1959-க்குப் பிறகுதான் குடிசை கட்டினார்கள் என்று வாதாடுவதற்கு வசதியாயிருக்கும். ஏழைகளுக்கு வசதி செய்கிறோம் என்று சொல்லிவிட்டு அதற்காக ஒரு மசோதா கொண்டுவந்துவிட்டு யாரோ சிலர் நன்மைக்காக இப்படிச் செய்திருப்பது நல்லதல்ல. 1959-க்கு முன்னால்தான் இருக்கிறேன் என்று வழக்காடுவதற்கு ஏழை எங்கே போவான். அவன் வழக்குக்காக வக்கீலிடம் கொடுக்கும் பணம் இருந்தால், சொந்தமாக இடமே வாங்கிவிடுவானே. அவன் 1959-க்குப் பின்தான் வந்தான் என்று வழக்காட பெரிய மனிதர்களுக்கு என்ன கஷ்டம் இருக்க முடியும்? அவன் 1959-க்கு முன்னான் வந்தேன் என்று சொல்ல என்ன வக்கிருக்கிறது அவனிடம் என்று அமைச்சர் திரு. மாணிக்கவேலரைக் கேட்கிறேன். சுற்றி வயல் இருக்கிறது. அங்கு இடமில்லை. அந்த இடத்தில் குடிசை கட்டிக்கொண்டு வாழ்கிறான் வசதி இருந்தால், அந்த இடத்தில் வாழவேண்டுமென்று அவன் நினைக்கவே மாட்டான். 1959-ம் வருஷத்திலிருந்து இந்த மசோதா அமுலுக்கு வருமென்று சொல்லியிருப்பது மிக அபத்தமானது என்று சொல்கிறேன். அந்த நிலைமையிலிருந்து அதைத் திருத்தி, இந்தச் சட்டம் 'பாஸ்' ஆன தேதியிலிருந்து அவர்களுக்குப் பாதுகாப்புக் கொடுக்கிறோம் என்று சொன்னால் தான் அவர்களுக்கு உண்மையான உதவி செய்வதாக ஆகும். இல்லாவிட்டால் ஏழைகளுக்கு மீண்டும் துன்பம் கொடுக்கும் நிலைமையில் இருப்போமே தவிர உபகாரம் செய்தவர்களாக இருக்கமுடியாது.

அடுத்தபடியாக, வீடு கட்டிக்கொள்ளுகிறார்கள். அதைச் சுற்றி ஏராளமான நிலங்கள் தனிப்பட்ட மனிதர்களுக்கோ அல்லது கோவில்களுக்கோ அல்லது மடாதிபதிகளுக்கோ இருக்கின்றன. ரோடு போடுவதற்குக் கேட்டால்; இடம் கொடுக்க மாட்டேன் என்பார்கள். விக்ரமசிங்கபுரம் பக்கத்தில் ஒரு பெரிய கிராமம் இருக்கிறது. அமைச்சர் அவர்கள் போகும் போது, நூற்றுக்கணக்கான ஜனங்கள் அமைச்சர் காலில் விழுந்து மன்றாடி முறையிட்டுக்கொள்வார்கள். அப்படியும் ரோடுபோட இடம் கிடைக்காது. கிணறு வெட்ட இடம் கொடுக்க மாட்டார்கள். இடம் அவர்கள் இடம். வீடு மாத்திரம் கட்டிக்கொண்டார்கள். அரசாங்கம் அவர்களுக்குப் பாதுகாப்பு கொடுக்கிறது என்ற காரணத்தால், அதிகாரிகள் அந்தப் பெரிய மனிதர்களிடம் சலுகை காட்டுகிறார்கள். ரோடு போட இடம், கிணறு வெட்ட இடம் கொடுக்காமல் இருப்பவர்களுக்கெல்லாம் ஓரளவுக்கு வகை செய்தாக, எந்தெந்தக் காரணங்களுக்காக எல்லாம் அவர்களைத் தொந்தரவு செய்யக்கூடாது என்று ஸ்பெஷ்லமாக இந்த மசோதா வில் இல்லை. ஆகையால் இந்த மசோதாவின் கீழ் 'ரூல்ஸ்'

1st September 1961] [Sri K. T. Kosalram]

போடும்போது, அதை ஸ்பஷ்டமாக என்னென்ன காரணங்களுக்காக என்று போட வேண்டும். குடியிருப்பதற்கு வேண்டிய வசதியும் அதற்குத் தகுந்த சுற்றுவட்டார வசதியும் வேண்டுமென்று போட்டிருக்கிறது. அதேமாதிரியான வசதிகளுக்கு எல்லாம் அந்த நிலங்கள் கொடுக்கப்படவேண்டும் என்பதோடு அந்த நிலங்களைப் பாதுகாத்து அங்கிருக்கிற குடியானவனுக்குக் கொடுக்க வேண்டுமென்பதையும் உறுதிப்படுத்தும் வகையில் அதில் சேர்த்து விட்டால் ஏழைகளுக்கு வசதியாக இருக்க முடியும். அதோடு exclusive for non-agricultural purposes என்ற கிளாஸை எடுத்திருந்தால், இந்த சர்க்கார் பெரிய நல்ல காரியம் செய்ததாக இருக்க முடியும். குடியிருப்பதற்கு இடம் இருந்தால், குடிசை கட்டிக்கொண்டு வாழவேமாட்டான். 50 ஏக்கர் நிலம் இருந்தால், இரண்டு ஏக்கர் பறிமுதல் செய்கிறேன் என்று சொல்லலாம். சட்டத்திற்குப் புறம்பாகக் கூட ஏலர் செய்கிறார்கள். அப்படிச் சொன்னால்கூட, அவனுக்குக் குடியிருப்பதற்கு வேறு இடம் இருந்தால், நிச்சயமாக அவன் ஆக்கிரமிக்க மாட்டான். இப்படிச் குடிசை கட்டிக்கொண்டு இருக்க அங்கு வரமாட்டான். இப்போது உச்ச வரம்பு கொண்டுவந்தோம். அது வேறு விஷயம். இதில் விவசாயிகளுக்கு மாத்திரம்தான், மற்றவர்களுக்கு இல்லை என்று சட்டம் கொண்டுவராமல் இருந்தால், லட்சக்கணக்கான ஜனங்கள் குடியிருப்பதற்கு வழி செய்ததாக இருக்க முடியும். நிச்சயமாக இப்போது சீலிங் போட்டு விட்டோம். ஒருவர் வைத்துக்கொள்ளக்கூடாது என்று சொல்லும்போது மற்றவர்களுக்கும் அது வந்துதான் தீரவேண்டும். குடியிருப்பதற்கு அவனுக்குத் தக்க வசதி செய்தான பிறகு ஆக்கிரமித்துக் கொண்டால், அரசாங்கத்தின் அதிகாரத்தைப் பிரயோகித்து அவனை வெளியேற்றுவதை நான் ஒத்துக்கொள்கிறேன். ஏற்கனவே இடமில்லை குடிசைக்கு. அவனுக்கு வகைசெய்யும் அளவில் இந்த மசோதா இருக்கவேண்டும். அப்போதுதான் அது மனிதத்தன்மையில் இருக்கமுடியும். இதைத் தகுந்தவாறு திருத்தவேண்டும். கவுன்சிலுக்குக் கொண்டுவந்து திருத்தினால், மறுபடியும் அசெம்பிளிக்குக் கொண்டுவரவேண்டுமே என்று சொல்லலாம். சோஷலிச சமுதாயத்தில் எல்லோருக்கும் வீடு கொடுக்கவேண்டுமென்று சொல்கிறோம். அப்படிப் பார்த்தால் குடியிருப்பதற்கு வீடற்றவனுக்கு வீடு கொடுக்க வேண்டும். இது நல்ல முறையில் கொண்டுவரப்பட்ட மசோதா. அதில் இந்த ஒரு கிளாஸை மாத்திரம் எடுத்துவிட்டால், இந்த நாட்டில் வீடு அற்றவன் இல்லை என்றாகும். இருக்கிற வீட்டை யாரோ உடைத்துத் தகர்த்து எறிகிறான். அவன் வீட்டையும் அவனையும் ரப்பர் பந்து மாதிரி தூக்கி எறிந்துகொண்டே யிருந்தால், அவன் எங்கே போவான்? அந்த நிலைமை இந்த நாட்டிலிருந்து போக வேண்டும். அந்த நிலைமை போகவேண்டுமென்றுதான் நண்பர் திரு. மாணிக்கவேல் அவர்கள் இதைக் கொண்டுவந்திருக்கிறார்கள். 1947-ம் வருஷத்திலிருந்து திரு. சீதாராம் ரெட்டி காலத்திலிருந்து

[Sri K. T. Kosalram] [1st September 1961]

திரு. மாணிக்கவேலு காலம் வரை 13 வருஷம் இதைக் கொண்டு வந்தார்கள். லாண்ட் சீலிங் மசோதா இருக்கிறதே, அது புலியாக வரவில்லை, பூனையாக வந்திருக்கிறது. இருந்தாலும் இந்த மசோதா இப்போதுதான் வந்திருக்கிறது. செலக்ட் கமிட்டியின் சிபாரிசின் பேரில் கொண்டுவந்தோம் என்று போட்டிருக்கிறார்கள். விவசாயக் கூலிகள் என்றிருந்ததை “விவசாயிகள்” என்று போட்டிருப்பதால் விவசாயிகள் பயன் பெறுவார்கள். நிலச் சட்டத்தினால் பல விவசாயிகள் வெளியேற்றப்படலாம். ஏதாவது ஒரு இடத்தில் நான்கைந்து செண்ட் சொந்தமாக இருந்தால், அதில் அவன் விவசாயம் செய்தால், இந்த மசோதா பாதுகாப்பு அளிக்கிறது. இந்தத் திருத்தத்திற்குப் பிறகுதான் விவசாயிகள் என்று பொதுவாகச் சொல்லிய பிறகுதான் விவசாயிகள் வெளியேறவேண்டாம் என்று வந்திருக்கிறது. அதற்காக திரு. மாணிக்கவேலு அவர்களைப் பாராட்டி இந்தக் கிளாஸை எடுத்து, விதிகள் போடும்போது, அவர்களுக்கு ரோடுகளுக்கும் கிணறுகளுக்கும் இடம் வேண்டும், அதையெல்லாம் பார்க்கவேண்டும், சிலர் சுடுகாட்டுக்குப் பக்கத்தில்கூட இருக்கிறார்கள், அவர்களை அப்புறப்படுத்தாமல் பாதுகாப்பதற்கும் வசதி செய்யவேண்டும், அதற்கேற்ற விதிகள் செய்யவேண்டுமென்று கேட்டுக்கொண்டு 5 p.m. இதை ஆதரிக்கிறேன்.

SRI. M. ETHIRAJALU : சார், குடியிருப்பு மசோதா, நல்ல சமயத்தில் கொண்டு வரப்பட்டதென்று நான் பாராட்டுகிறேன். இதில் குறிப்பிட்டிருப்பதன்படி விவசாயிகளுக்கும், விவசாயத் தொழில் செய்பவர்களுக்குந்தான் இந்த மசோதா உருவாயிற் றென்பதையும், நேற்றைய தினம் ஏற்பட்ட திருத்தத்தில் Labourer என்று குறிப்பிடப்பட்டிருப்பதையும் நான் பார்த்தேன். நில விவசாயி, விவசாயத் தொழிலாளர்கள். இப்பொழுது நில உச்ச வரம்பு வரும் காரணத்தால், அவர்களை வெளியேற்றி இந்த நிலம் விற்கப்படவேண்டிய நிலைமை கொண்டுவரப்பட்டிருந்தாலும், ‘தொழிலாளி’ என்று எடுத்துக்கொள்ளும்பொழுது, விவசாயத் தொழிலாளரை மட்டும் Labourer என்று குறிப்பிட்டு இருந்தால் அவர்கள் யார், யார் என்று அரசாங்கம் திட்டமாகக் குறிப்பிடவேண்டும். Labourer என்று சொன்னால் இது தஞ்சாவூருக்குத்தான் கொண்டுவரப்பட்டது. அங்கே கிராமங் களில் ஒரு குடியாக இருக்கும் தொழிலாளச் சமூகங்கள் எத்தனை இருக்கின்றன, தச்சு, கருமாத் தொழில் செய்பவர்களும் தொழிலாளர்கள்தான். மண்பாண்டம் செய்பவர்களும், சலவைத் தொழில் செய்பவர்களும் தொழிலாளிகள்தான்.

(Deputy Chairman in the Chair.)

இந்தத் தொழிலாளர்கட்கு ஒரு கஷ்டமேற்பட்டால் அவர்களை வெளியேற்றும்படியான ஒரு நிலைமை ஏற்பட் டால், அதைப்பற்றி சொல்லக்கூட ஆளில்லை. அங்கங்கு Labourer என்று ஒரு வார்த்தையைப் போட்டால் மட்டும்

1st September 1961] [Sri M. Ethirajalu]

போதாது. இன்னின்ன தொழிலாளி என்று குறிப்பிட வேண்டும். இன்னும், சட்டம் கொண்டு வருவதற்கு முன்னால், கீழ் சபைக்குச் சென்றதும் இம்மாதிரி இதில் போட்டு விடவேண்டுமென்று நான் அமைச்சரைத் தாழ்மையுடன் கேட்டுக் கொள்ளுகிறேன். இல்லாவிட்டால் அவர்களுக்குக் கஷ்டமேற்படும். தஞ்சையில் முக்கியமாக ஏற்படும். மிகவும் பின்தங்கியவர்களுக்கு மிகவும் பாதகமாக இருக்குமென்று சொல்லிக் கொண்டு, திருத்தத்தை ஏற்றுக்கொள்ளுமாறு அமைச்சரை கேட்டுக்கொண்டு முடித்துக் கொள்ளுகிறேன்.

* THE HON. SRI M. A. MANICKAVELU : Sir, அங்கத்தினர்கள் தமிழிலேயே பேசியதால், நான் தமிழிலேயே பேசுகிறேன். முதலில், புலி, பூனையாகி விட்டதென்று சொன்னார். அதற்கு, விளக்கம் சொல்லவேண்டும். பூனையாக இருந்தாலும், ஒரு அறையில் ஒரு மனிதனையும் பூனையையும் வைத்தால், புலி எவ்வளவு அபாயத்தைக் கொடுக்குமோ அவ்வளவு தூரம் பூனையும் கொடுக்கும் ஆகையினால், குழந்தைக்குத் தகுந்தமாதிரி இருக்கிறது. இந்த மசோதா தாற்காலிகமாகக் கொண்டுவரப்பட்டது. எதற்காக வென்றால், நில உச்ச வரம்புச் சட்டம் வருகிறது என்று நிலத்தை விற்பதற்கும், விவசாயம் செய்யும் நிலத்தில், குடிசை போட்டிருக்கிறார்களே அவர்களை வெளியேற்றவும் ஆரம்பித்தார்கள். அதற்கு இடம் கொடுத்தால் நிறைய விவசாயிகள் நிலத்தை விட்டு அப்புறப்படுத்தப்படுவார்கள். அதனால், அந்தத் தொழிலாளிக்குக் கஷ்டமேற்படுமென்று, அதைத் தடுக்கத்தான் கொண்டு வரப்பட்டது. இது, அநேகமாக தஞ்சாவூர் ஜில்லாவில் தான் இருக்கும். ஆகையினால்தான் இதைக்கொண்டு வந்திருக்கிறோம். இதில் 'Wet land' விவசாய நிலமிருக்கிறதே அங்கே ஒரு சிறிய இடம் உயரமாகவிருக்கும். அங்கு குடிசை போட்டுக்கொண்டிருப்பார்கள். அதுதான் homestead முக்கியமான கருத்து, அதைத் தடுக்க வேண்டுமென்பதுதான். முதலில், குடிசை போடுவது மட்டும்தானிருந்தது. குடிசையைச் சுற்றி நிலமிருக்கும். மாடு கட்ட இடம் வேண்டும். அதைப் பாதுகாக்க வேண்டுமென்று தான் நம் கருத்து. மற்றப்படி, தச்சர், கருமார் முதலியோரைப் பற்றிச் சொன்னார்கள். அவர்கள் வேறு இருக்கிறார்கள். அவர்கள் தனியாக வொரு இடத்தில் community யாக இருக்கிறார்கள். ஆனால், அது வேறு விஷயம். இப்பொழுது அந்த நிலத்தை நம்பி யிருப்பவர்களுக்கு இந்த இடம் கொடுக்கப்பட்டிருக்கிறது. அதைப் பாதுகாக்கவேண்டுமென்று சொல்லுகிறோம். இரண்டாவது, March 1959 என்று தள்ளிப் போட்டிருக்கிறார்கள். இந்தப் பிரச்சனை, ஆரம்பத்தில் வந்தது. அப்பொழுது சிலர் 1961-ம் வருஷம் ஏப்ரல் மாதம் 1-ம் தேதி அல்லது வேறு தேதி போட வேண்டுமென்று சொன்னார்கள். விளக்கம் சொன்னபிறகு அவசியமில்லை, பிரதிகூலமாக இருக்காது என்று சொன்னார்கள். Retrospective effect இப்பொழுது இருக்கிறது. 1959-ம் வருஷம் மார்ச் மாதம்

THE MADRAS OCCUPANTS KUDIYIRUPPU
(PROTECTION FROM EVICTION) BILL, 1961
(L.A. BILL NO. 27 OF 1961)

[Sri M. A. Manickavelu] [1st September 1961]

1-ம் தேதியிலிருந்து அவசியமேற்பட்டால் reopen செய்து மறுபடியும் இதைச் செய்யலாம். இவர்கள் நில உச்சவரம்புச் சட்டம் வருகிறதென்று எதிர்பார்த்து ஏற்கெனவே இதைச் செய்திருக்கிறார்கள். ஆகையால் பெருவாரியானவர்கள் அதனால் தான் பாதிக்கப்பட்டிருக்கிறார்கள். சாகுபடியாளருக்கு இது அனு கூலமென்று சொல்ல விரும்புகிறேன். 1959-லிருந்து அவர்களுக்கு protection கொடுக்க வேண்டுமென்ற அடிப்படையில்தான் இந்த மசோதா ஏற்பாடாகியிருக்கிறது. அதுதான் முக்கியமான பிரச்சனை.

DEPUTY CHAIRMAN : The question is—

‘ That the Madras Occupants of Kudiyiruppu (Protection from Eviction) Bill, 1961 (L.A. Bill No. 27 of 1961), as passed by the Assembly, be taken into consideration ’.

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 3.

DEPUTY CHAIRMAN : The motion is—

‘ That clause 3 do stand part of the Bill ’.

* SRI M. PATANJALI SASTRI : Mr. Deputy Chairman, I move—

“ After sub-clause (3) (b), insert the following as new sub-clause (3) (c) :—

‘ (c) if he is in continuous default in payment of the rent or other stipulated amount, if any ’.”

SRI MOHAMED RAZA KHAN : I second the amendment, Sir.

SRI M. PATANJALI SASTRI : Sir, I may state at the outset that I am entirely in sympathy with the object of the Bill. The wholesale eviction that is spoken of in the Statement of Objects and Reasons ought to be prevented. There is no doubt about it, and it is just and fair. I welcome this provision. But my amendment has very limited scope. Clause 3 (1) says—

‘ Subject to the provisions of sub-section (3), no person occupying any kudiyiruppu on the 31st March 1959 shall be evicted from such kudiyiruppu ’.

The definition of ‘ kudiyiruppu ’ itself says that the Bill aims at protecting only the tenant or the licensee, for ‘ Kudiyiruppu ’ is defined as, ‘ the site of any dwelling house or hut, occupied, either as tenant or as licensee, by any agriculturist or agricultural labourer That is to say, the Bill does not seek to protect trespassers. People who come and enroach upon some site

1st September 1961] [Sri M. Patanjali Sastri]

belonging to the owner and occupy it by building a hut thereon are not brought within the scope of the Bill. People who are occupying the place only with the consent of the landlord as tenants or at least as licensees alone are brought within the purview of this Bill. That is clearly indicated in the definition of 'kudiyiruppu' itself. In clause 3 (1), the expression, 'no person occupying any kudiyiruppu' is used. If we refer back to the term 'kudiyiruppu', it is clear that the person concerned must be a licensee or a tenant. Then clause 3 (1) says—

'Subject to the provisions of sub-section (3), no person occupying any kudiyiruppu on the 31st March 1959 shall be evicted from such kudiyiruppu'.

That is, a person is entitled to occupy and continue to occupy a kudiyiruppu on the same terms and conditions as were applicable to him on that date. It is not the object of the Bill to nullify the terms and conditions subject to which he can remain on the site and occupy it or build a hut or dwelling house thereon. That is to say that the same terms and conditions must continue to govern the relationship between the parties. That is the object of the Bill. That is made quite clear in clause 3 (2). But sub-clause (3) says, 'Sub-sections (1) and (2) shall not apply to any person occupying any kudiyiruppu'. Then there are two exceptions. That is to say, the benefit of these sub-sections is withdrawn from the person who has done any act or has been guilty of any negligence which is destructive of, or injurious to the property belonging to the owner of the kudiyiruppu. That is to say that if a person, who is on the site with the consent of the landlord as tenant or licensee, does any injury to the property—not merely the whole plot of the owner but any other property of the kudiyiruppu—then he loses the benefit of this provision. Similarly, if he wilfully denies the title of the owner of the kudiyiruppu, that is, deliberately says that the owner has no title to the kudiyiruppu, then, of course, he forfeits the benefit of this provision. These are the only conditions subject to which the tenants and licensees are protected. I propose to add another clause, namely,—

“(c) if he is in continuous default in payment of the rent or other stipulated amount, if any”.

The Bill takes effect from the 31st March 1959. So, if a person is in continuous default since then or for more than a period at one or two years, as the case may be, at the time when he is sought to be evicted by the landlord—tenancy agreements usually contain a clause that if the man does not pay the rent, the landlord can evict him—then the landlord should not be prevented from evicting the man. Now, if the person in occupation is continuing to default at the time when the landlord seeks to evict him, then such a person should be liable to be evicted. That is the object of adding sub-clause (c). I think it is quite fair that the landlord should not be deprived of the right to evict this person who has been continuing

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from 31st March 1959 for another three years during which the Bill is to remain in force. Otherwise, he need not pay rent. He can get immunity from the liability with which he actually entered the occupation of the site. He has agreed to this and we are not imposing any liability on him. The protection is to continue him on the same terms and conditions to which he has agreed. He has to remain under the obligation to pay the rent or the licence fee, if any, stipulated. That being the case, if he does not pay continuously for five or six years, still why should he be protected? Why should the landlord be deprived of the legal right with regard to the terms of tenancy to evict him on the ground of non-payment of rent? That is the object of this sub-clause. I think it is very reasonable and just. By way of adding insult to injury, as it were, clause 4 goes on to provide the right to restoration of possession of kudiyruppu to this person. If he is in continuing default for several years—it may be in the payment of rent or the licence fee—even if he is evicted before the Act comes into operation, still he would be entitled to be restored to the kudiyruppu. This is an extraordinary provision for a man who does not fulfil his condition with regard to payment of rent or the licence fee, as the case may be. He should have no protection. Even if the landlord is able to evict him on the terms of the tenancy or licence, still that he should be restored to possession of the kudiyruppu is something grossly unfair, according to me.

Again, it is to be noted that clause 4 provides for restoration subject to the same terms and conditions, as far as may be, as were applicable to him on the 31st March 1959. There is no attempt to interfere with the terms and conditions of the licence. Even after restoration, he is to continue subject to the same terms and conditions. Then, why should this default be condoned even if it is a continuing default for a such a long time? That is the object of my amendment. Therefore, if this clause is inserted by way of an amendment, then he will able to get restoration of possession only on fulfilment of this condition. He may pay the rent. Then, of course, he will be entitled to the protection of the Act just as he is entitled to protection unless he has done any act or has been guilty of any negligence which is destructive of or injurious to, the property belonging to the owner or unless he has wilfully denied the title of the owner of the kudiyruppu. That is the purport of this amendment.

SRI K. T. KOSALRAM : Sir, I move—

“ In sub-clauses (1) and (2) delete the words and figures ‘ on the 31st March 1959 ’.”

SRI M. ETHIRAJALU : I second the amendment, Sir.

SRI K. T. KOSALRAM : தலைவர் அவர்களே 1959-ம் வருஷம் மேன்று போட்டிருப்பதால் retrospective effect. கொடுத்து காலி செய்தவர்களைத் திருப்பிக்கொண்டு வந்துவிடலாமென்று

1st September 1961] [Sri K. T. Kosalam]

சொன்னார். உண்மையில், காலி செய்தவர்களைத் திருப்பிக்கொண்டு வருவதற்கு வகை செய்திருப்பதை ஒப்புக்கொள்ளுகிறேன். அதே நேரத்தில், காலி செய்ததற்குப் பின்னால், அந்த இடத்தில் மற்றொரு குடியானவன் வந்து குடிசை போட்டிருந்தால், 1959-லிருந்து 1961 வரை எத்தனை குடிசைகள் போட்டார்களென்று அறிந்து கொள்ளவும் சௌகரியமாக இருக்கும். அமைச்சர் திரு. மாணிக்க வேலு அவர்கள் தஞ்சாவூரில் இருக்குமென்று சில இடங்களை மட்டும் சொல்லியிருக்கிறார். திருநெல்வேலியில் சிவத்தையாபுரம் என்று ஒரு கிராமம். 4,000 ஏக்கர் அத்தனையும் ஆடுதுறை மடத்துக்குச் சொந்தம். விவசாயிகள் 2,000 வீடுகள் கட்டியிருக்கிறார்கள், சிறு சிறு கிராமமாக மூன்று இடங்களில். அங்கே இருக்கும் நிலம் மடத்திற்குச் சொந்தம். அங்கே விவசாயம் செய்கிறார்கள். மட நிலங்களிலும், சொந்த நிலங்களிலும் எங்காவது ஒரு குடிசை இருக்கிறது. அதற்குத்தான் பந்தோபஸ்து கொடுக்க வேண்டுமென்று, அமைச்சர் திரு. மாணிக்கவேலு அவர்கள் தஞ்சையை மட்டும் சொல்லுகிறார்களே தவிர, திருநெல்வேலி செவந்திபுரம் கிராமத்தில் மடம் நிலத்தில் குடியிருக்கிறார்களே. “எங்களுக்கு என்ன சொல்லுகிறார்கள்” என்று கேட்கிறார்கள். சமீபகாலம் வைக்க இடமில்லையென்று சொல்லுகிறார்கள். கிணறு வெட்டிக்கொடுக்க மாட்டேனென்று சொல்லுகிறார்கள். நஞ்சைக்கு மத்தியில் 2,000 வீடுகளாக இருக்கின்றன. அங்கே 5,000 ஏக்கர் மடத்திற்குச் சொந்தமாக இருக்கிறது. காலி செய்த பிறகு, இரண்டு வருஷங்களில் ஆட்களைப் படிப்படியாகக் கொண்டு வந்து வைத்திருக்கிறார்கள். இந்தச் சட்டத்தைப் போட்டவுடனே அவர்களை வெளியே போகச்சொல்ல வசதி ஏற்படுகிறது. 1961-ம் வருஷமென்று போட்டாலும் retrospective effect கொடுத்தார்கள். இந்த காபி கிடைத்தால்தான் இரண்டு வருடத்திற்குள் வந்தோமென்று கோர்ட்டில் போய் வாதாட முடியும். கனம் அங்கத்தினர் திரு. பதஞ்சலி சாஸ்திரி “நிலத்தை ஆக்கிரமிப்பு செய்கிறார்கள்” என்று சொன்னார். என் உத்தரவின் பேரில்தான் வரவேண்டுமென்று சொல்லுகிறார். குடி இருக்க வசதியில்லை. உத்தரவு கிடைத்தாலே, அதன்பேரில்தான் வந்தோமென்று சொல்ல வேண்டும்.

SRI M. PATANJALI SASTRI: The scope of the Bill is not exhaustive. It is the definition of “kudiyiruppu” that contemplates protection being extended only to tenants. We are not now on the question of trespassers also needing protection.

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p.m.

SRI K. T. KOSALRAM: எந்த மனிதனாக இருந்தாலும், வீடு இல்லாமலிருப்பவர்களுக்கு அரசாங்கம் வசதி கிடைக்க permission கொடுக்க வேண்டும். நாம் இதைச் சொன்ன பிறகு, நிதானமாக அது வேண்டுமென்று ஒத்துக்கொள்ளுவார்கள். ஒத்துக்கொள்ளாவிட்டாலும், நான் சொல்லுகிறேன். தெளிவு செய்ய வேண்டியதாக இருந்தால் செய்யுங்கள்.

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* THE HON. SRI M. A. MANICKAVELU : Sir, legislatively the argument put forth by the hon. Member seems all right. But as regards the relationship between tenant and landlord, there is no rent paid at all here. It is all free because on sufferance it has been given to the agriculturist or agricultural labourer to put up his hut. The question of rent due does not arise at all. The other difficulties pointed out by the hon. Member also do not come in because this is to give protection for a short period until we bring in legislation in order to protect these dwellers. Now the agriculturist or authorized labourer has been elected from his homestead in anticipation of the Land Ceiling Bill. The landlords were in a hurry to evict these people because they thought that it would facilitate the selling of land if they were ousted. If they are there, they will be a dead weight for the purchaser. After 1st April 1960 when the Bill was published, it does not arise. It was only before that that in their anxiety to evict they were doing it. We wanted them to stop that. Therefore, our choice is limited. That is, they should not defeat the object of the Ceiling Bill. We have that in view. As regards the madhathipathi, he does not come within the scope of this Bill. This is only a temporary measure. When we bring in a permanent measure, all these things will be considered.

SRI M. PATANJALI SASTRI : Sir, if he is a tenant paying rent, then, of course, this stay comes into force. But if he is in continuing default in payment of rent or the stipulated licence fee, why should he be protected? After all, my amendment is harmless if as the hon. Minister just now said, all these kudi-yiruppu tenants are in occupation of the land rent-free, then the rights of these rent-free occupants will not be affected. Therefore, the point that the Hon. Minister made is not really about persons in continuing default in payment of rent.

MR. CHAIRMAN : The Hon. Minister has replied to the amendment moved by the hon. Member Sri Patanjali Sastri. But he has not replied to the amendment moved by the hon. Member Sri Kosalram.

* THE HON. SRI M. A. MANICKAVELU : The idea is to protect the tenants against eviction in the interim period only. On account of the Land Ceiling Bill being on the anvil, the landowner should not be in a position to evict tenants. That is our limited object. That is why the date '31st March 1959' has been put in.

With regard to rent and tenancy, it is a peculiar feature just as this homestead is a peculiar feature. Now, even if for the sake of argument in some stray cases there is rent to be paid, our object being to protect the man from being evicted, it does not matter if the landlord suffers a little for want of that rent. It is only for the sake of argument; it does not happen at all.

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MR. CHAIRMAN : Is the hon. Member Sri Patanjali Sastri withdrawing his amendment?

SRI M. PATANJALI SASTRI : If I am convinced by the arguments of the Hon. Minister, I will be the first not to press the amendment. But the arguments of the Hon. Minister are hardly convincing. Therefore, I press the amendment.

MR. CHAIRMAN : The question is—

“ After sub-clause (3) (b), insert the following as new sub-clause (3) (c)—

(c) if he is in continuous default in payment of the rent or other stipulated amount, if any.”

The amendment was put and lost.

MR. CHAIRMAN : The question is—

“ In sub-clauses (1) and (2), the words and figures ‘ on the 31st March 1959 ’.

The amendment was put and declared lost.

SRI K. T. KOSALRAM : I press for a division.

MR. CHAIRMAN : I see the ‘ Noes ’ have it. However, those who are for the amendment will stand in their places first and those against next.

(One Member stood for, and eleven Members against, the amendment.)

MR. CHAIRMAN : The amendment is lost. The division is unnecessarily claimed.

Clause 3 was put and carried.

SRI K. T. KOSALRAM : Sir, how can you say . . .

MR. CHAIRMAN : The hon. Member should not stand up when I am on my legs.

The hon. Member resumed his seat.

MR. CHAIRMAN : Now I shall give the hon. Member an opportunity to say what he wants.

SRI K. T. KOSALRAM : டிவிஷன் விட்டு எடுக்காமல் என்னுடைய அமெண்ட்மெண்ட் தோற்றுவிட்டது என்று சேர்மன் அவர்கள் சொல்வது எனக்குச் சரியாக இல்லை.

THE HON. SRI R. VENKATARAMAN : இந்த விதி எப்படி என்று சொன்னால், யாராவது ஒரு மெம்பர் டிவிஷன் வேண்டுமென்று கேட்டால் டிவிஷன் விடுவதற்கு முன் அதற்குப் போது

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மாண. ஆதரவு இருக்கிறதா என்று பார்ப்பதற்கு இப்படிக்கேட்கலாம். அந்தமாதிரி கேட்டதில் டிவிஷனுக்கு ஆதரவே இல்லை. அதனால்.....

MR. CHAIRMAN : I shall read the relevant rule.

SRI K. T. KOSALRAM : Not necessary, Sir.

MR. CHAIRMAN : The hon. Member does not want to hear it?

SRI K. T. KOSALRAM : No, Sir.

Clauses 4 to 12 were put and carried.

Clause 13.

MR. CHAIRMAN : The motion is—

‘ That clause 13 do stand part of the Bill ’.

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p.m.

* SRI M. PATANJALI SASTRI : Mr. Chairman, Sir, I move the amendments to clauses 13 and 14 together because they are similar. Clause 13 says ‘ If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.’

I move—

In clause 13, after the word ‘ necessary ’ and before the words ‘ for the purpose ’ insert the words ‘ and which is not inconsistent with or repugnant to the provisions of this Act ’.

Similarly, clause (14) (1) (Power to make Rule)—my amendment seeks to add *after* the words ‘ The Government may make rules ’, the words ‘ not inconsistent with or repugnant to the provisions of this Act.’

These are well recognised limitations of a delegated power of legislation, and I cannot see any objection to these limitations being put in. While dealing with a legislation which is before the Legislature, nothing can be left to be ‘ understood ’. Government cannot alter anything which appears to them necessary for purposes of removing a difficulty. That will be giving a *carte blanche* for the executive to do anything. Therefore, it should be not inconsistent with or repugnant to the Act. Similarly in the rule-making power, this essential restriction should be there in regard the delegated power. Those restrictions upon the power of delegated legislation should be inserted both in clauses 13 and 14.

SRI MOHAMED RAZA KHAN : Sir, I second the amendment.

THE HON. SRI M. A. MANICKAVELU : Mr. Chairman, Sir, because they are well recognised, they are not put in. In fact, in a number of Acts that we have passed, we have not mentioned that.

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MR. CHAIRMAN : Is the hon. Member pressing his amendment?

SRI M. PATANJALI SASTRI : I press my amendment, Sir.

MR. CHAIRMAN : The question is—

‘ In clause 13, *after* the word “ necessary ” and before the words “ for the purpose ” *insert* the words “ and which is not inconsistent with or repugnant to the provisions of this Act ” .’

The amendment was put and lost.

Clause 13 was put and carried.

Clause 14.

MR. CHAIRMAN : The motion is—

‘ That clause 14 do stand part of the Bill ’.

SRI M. PATANJALI SASTRI : Mr. Chairman, Sir, I move—

‘ In clause 14, sub-clause (1), *after* the words “ Rules ” and before the words “ to carry out ” *insert* the words “ not inconsistent with or repugnant to the provisions of this Act. ”’

SRI MOHAMAD RAZA KHAN : Sir, I second it.

* THE HON. SRI M. A. MANICKAVELU : Sir, I am on stronger grounds on this point, because in the first place, the Government will conform to the objectives of this Bill. Now, the other two additional grounds in this rule are, the rules will be placed on the table of the House and they will have sufficient opportunity to check them up. There is also the Committee on Sub-ordinate Legislation to check it up. In view of that, this amendment is not necessary.

MR. CHAIRMAN : Is the hon. Member pressing his amendment?

SRI M. PATANJALI SASTRI : I press my amendment, Sir.

MR. CHAIRMAN : The question is—

‘ In clause 14, sub-clause (1) *after* the word “ Rules ” and before the words “ to carry out ” *insert* the words “ not inconsistent with or repugnant to the provisions of this Act ” .’

The amendment was put and lost.

Clause 14 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI M. A. MANICKAVELU : Sir, I move—

‘ That the Madras Occupants of Kudiyruppu (Protection from Eviction) Bill, 1961 (L.A. Bill No. 27 of 1961), as passed by the Assembly, be passed.’

THE MADRAS OCCUPANTS KUDIYIRUPPU
(PROTECTION FROM EVICTION) BILL, 1961
(L.A. BILL NO. 27 OF 1961)

[1st September 1961]

MR. CHAIRMAN : The question is—

‘That the Madras Occupants of Kudiyiruppu (Protection from Eviction) Bill, 1961 (L.A. Bill No. 27 of 1961), as passed by the Assembly, be passed.’

The motion was put and carried and the Bill was passed.

(3) THE MADRAS PANCHAYATS (EXTENSION TO TRANSFERRED TERRITORY) AND PANCHAYAT UNION COUNCILS (SPECIAL PROVISIONS FOR FIRST CONSTITUTION) AMENDMENT BILL, 1961 (L.A. BILL NO. 32 OF 1961).

* **THE HON. SRI R. VENKATARAMAN :** Mr. Chairman, Sir, I move—

‘That the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill a 1961 (L.A. Bill No. 32 of 1961), as passed by the Assembly, be taken into consideration’.

Hon. Members are aware that the Madras Panchayats Act, 1958, already provides for the application of the Act to the territory transferred from the former Travancore-Cochin State to the Madras State, that is, the Kanyakumari district and the Shen-cottah taluk of the Tirunelveli district and for the repeal of the provisions of the Travancore-Cochin Panchayats Act, 1950, as in force in the said territory.

The areas in the said transferred territory have already been delimited as Development Blocks for the purposes of the National Extension Service Scheme of Community Development. It is found necessary and desirable to make certain special provisions for the functioning of the existing panchayats without radical changes and to bring into existence not later than the 2nd day of October 1961. Panchayat Union Councils without following the elaborate procedure laid down in the Madras Panchayats Act, 1958.

It is proposed to continue the existing levy of cess on land in the said territory (until the Government otherwise direct by notification) *in lieu* of levy of local cess provided for in the Act and to exclude from the operation till then in the said territory the provisions of the Madras Panchayats Act, 1958, regarding the payment of Land Revenue Assignment and Local Cess Surcharge Matching Grant. It is also proposed to continue the existing system of management of Elementary Schools in the said territory and exclude from operation the provisions of the Madras Panchayats Act, 1958, regarding the payment of Local Education Grant and maintenance of Panchayat Union (Education) Fund. It is further proposed to classify all the existing panchayats in the said

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territory as town panchayats except for purposes of payment of Village House Tax Matching Grant under section 132 of the Madras Panchayats Act, 1958.

It is also proposed to amend the Madras Panchayat Union Councils (Special Provision for First Constitution) Act, 1960, so as to remove certain practical difficulties noticed in the working of the Act by providing that the presidents of panchayats and the chairmen of township committees for the time being in the Panchayat Union shall be members of Panchayat Union Councils concerned and taking power to appoint in specified cases, all the members of the Panchayats and the Township Committees in the Panchayat Union as members of the Panchayat Union Council.

The Bill was placed before the Kanyakumari District Development Council and the Tirunelveli District Development Council and the Councils have given general approval of the proposals contained in the Bill.

I, therefore, move—

“That the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961, as passed by the Assembly, be taken into consideration”.

MR. CHAIRMAN : The question is—

“That the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961), as passed by the Assembly, be taken into consideration.”

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 7 were put and carried.

Schedules I and II were put and carried.

Clause I and the Preamble were put and carried.

THE HON. SRI R. VENKATARAMAN : Sir, I move—

“That the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961), as passed by the Assembly, be passed.”

THE MADRAS PANCHAYATS (EXTENSION TO
TRANSFERRED TERRITORY) AND PANCHAYAT
UNION COUNCILS (SPECIAL PROVISIONS FOR
FIRST CONSTITUTION) AMENDMENT BILL, 1961
(L.A. BILL NO. 32 OF 1961)

[1st September 1961]

MR. CHAIRMAN : The question is—

“ That the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961), passed by the Assembly, be passed. ”

The motion was put and carried and the Bill was passed.

(4) THE MADRAS DISTRICT DEVELOPMENT COUNCILS AND PANCHAYATS (EXTENSION TO ADDED TERRITORY) BILL, 1961 (L.A. BILL NO. 33 OF 1961).

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I move—

‘ That the Madras District Development Councils and Panchayats (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 33 of 1961), as passed by the Assembly, be taken into consideration. ’

The Bill which is before the House is simple and non-controversial. It is proposed to extend the provisions of the Madras District Development Councils Act, 1958, to the areas added to the State by the Madras and Andhra Pradesh (Alteration of Boundaries) Act, 1959, so that the portions of the territory added to the Chingleput and North Arcot districts might respectively form parts of the Chingleput Development District and the North Vellore Development District.

It is also proposed to extend the provisions of the Madras Panchayats Act, 1958, to the said territory. The areas in the said added territory have already been delimited as Development blocks for the purposes of the National Extension Service Scheme of Community Development. It is proposed to bring into existence Panchayat Union Councils for each of the said Blocks without following the elaborate procedure laid down in the Act with effect from the appointed day which will be 2nd October 1961, the date from which the third batch of panchayat union councils will be inaugurated in the rest of the State. It is also proposed to include in the existing panchayat unions of the State certain villages in the said added territory which are contiguous to the said panchayat unions.

The draft Bill which was placed before the Chingleput and North Vellore District Development Councils has been generally approved by the Councils.

I, therefore, move—

“ That the Madras District Development Councils and Panchayats (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 33 of 1961) as passed by the Assembly, be taken into consideration. ”

BILL, 1961 (L.A. BILL NO. 33 OF 1961).

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MR. CHAIRMAN : The question is—

“ That the Madras District Development Councils and Panchayats (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 33 of 1961), as passed by Assembly, be taken into consideration. ”

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 6 were put and carried.

Schedules I and II were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI R. VENKATARAMAN : Sir, I move—

“ That the Madras District Development Councils and Panchayats (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 33 of 1961) as passed by the Assembly, be passed. ”

MR. CHAIRMAN : The question is—

“ That the Madras District Development Councils and Panchayats (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 33 of 1961) as passed by the Assembly, be passed. ”

The motion was put and carried and the Bill was passed.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Monday, the 9th October 1961.

The House then adjourned.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* Bills passed by the Assembly and received therefrom in the Council :—

(1) *The Madras Occupants and Kudiyruppu (Protection from Eviction) Bill, 1961 (L.A. Bill No. 27 of 1961).*

(2) *The Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Bill, 1961 (L.A. Bill No. 32 of 1961).*

(3) *The Madras District Development Councils and Panchayats (Extension to Added Territory) Bill, 1961 (L.A. Bill No. 33 of 1961).*

* Sent by Special Messenger to all M.L.As. on 31st August 1961.

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APPENDIX I.

[Vide item III (2) on page 432 supra].

L.A. Bill No. 27 of 1961.

(As passed by the Assembly.)

A Bill to provide for the protection from eviction of persons occupying kudiyruppu in the State of Madras.

WHEREAS it is necessary to provide for the protection from eviction of persons occupying kudiyruppu in the State of Madras;

BE it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title, extent and duration.*—(1) This Act may be called the Madras Occupants of Kudiyruppu (Protection from Eviction) Act, 1961.

(2) It extends to the whole of the State of Madras.

(3) It shall remain in force for a period of three years.

2. *Definitions.*—In this Act, unless the context otherwise requires :—

(1) “ agricultural labourer ” means a person whose principal means of livelihood is the income he gets as wages for his manual labour on agricultural land;

(2) “ agricultural land ” means any land used for any of the following purposes, namely :—

(a) horticulture;

(b) the raising of crops, grass or garden produce;

(c) grazing;

(d) the raising of manure crops;

(e) dairy farming;

(f) poultry farming;

(g) livestock breeding;

(h) growing of trees; and

(i) includes any land used for any purpose subservient to the above purposes, any forest land, pasture land, plantation, orchard and tope, but

(ii) does not include house-site or land used exclusively for non-agricultural purposes;

(3) “ agriculturist ” means a person who cultivates agricultural land by the contribution of his own manual labour or of the manual labour of any member of his family;

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(4) "authorized officer" means any Gazetted Officer authorised by the Government by the notification to exercise the powers conferred on, and discharge the duties imposed upon, the authorized officer under this Act for such area as may be specified in the notification;

(5) "Government" means the State Government;

(6) "kudiyiruppu" means the site of any dwelling house or hut occupied, either as tenant or as licensee, by any agriculturist or agricultural labourer and includes such other area adjacent to the dwelling house or hut as may be necessary for the convenient enjoyment of such dwelling house or hut;

Explanation.—It shall be presumed that any person occupying the kudiyiruppu is an agricultural labourer or an agriculturist, until the contrary is proved.

(7) "tenant" means any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter under a tenancy agreement, express or implied, and includes his heirs and legal representatives.

3. *Persons occupying kudiyiruppu not to be evicted.*—(1) Subject to the provisions of sub-section (3), no person occupying any kudiyiruppu on the 31st March 1959 shall be evicted from such kudiyiruppu.

(2) Subject to the provisions of sub-section (3), any person occupying any kudiyiruppu on the 31st March 1959, shall be entitled to continue to occupy the kudiyiruppu on the same terms and conditions as were applicable to him on such date.

(3) Sub-sections (1) and (2) shall not apply to any person occupying any kudiyiruppu—

(a) if he has done any act or has been guilty of any negligence which is destructive of, or injurious to the property belonging to the owner of the kudiyiruppu; or

(b) if he has wilfully denied the title of the owner of the kudiyiruppu.

Explanation.—A denial of the owner's title under a *bona fide* mistake of fact is not wilful within the meaning of this clause.

(4) In computing the period of limitation prescribed for an application for the execution of a decree or order for the eviction of a person occupying any kudiyiruppu, the time during which he was protected by sub-section (1) from eviction shall be excluded.

Explanation.—A decree or order shall be deemed to be a decree or order for the eviction of a person occupying any kudiyiruppu notwithstanding that any other relief is also granted by such decree or order.

4. *Right to restoration of possession of kudiyiruppu.*—If any person who was occupying any kudiyiruppu on the 31st March 1959 has been evicted from such kudiyiruppu after such date, but before the date of the publication of this Act in the

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Fort St. George Gazette or is evicted from such Kudiyruppu after the date of such publication, he may, within a period of six months after the date of the publication of this Act in the *Fort St. George Gazette* or after the date of eviction, as the case may be, apply to the authorized officer within whose jurisdiction the kudiyruppu is situated in such form as may be prescribed for restoration to him of the possession of the kudiyruppu from which he was evicted and to occupy it subject to the same terms and conditions, as far as may be, as were applicable to him on the 31st March 1959.

5. *Owner's right to apply to the authorised officer.*—Any owner of kudiyruppu seeking to evict for any of the reasons mentioned in sub-section (3) of section 3 any person occupying any kudiyruppu may, whether or not there is an order or decree of court for the eviction of such person, make an application for such eviction to the authorized officer within whose jurisdiction the kudiyruppu is situated, in such form and within such time as may be prescribed.

6. *Authorized officer to hold summary enquiry.*—On receipt of the application under section 4 or section 5, the authorized officer shall, after giving a reasonable opportunity to the parties concerned to make their representations, hold a summary enquiry into the matter and pass an order either allowing the application or dismissing it and shall communicate a copy of such order to the party concerned.

7. *Appeals.*—(1) Against any order passed by the authorized officer under section 6, any person aggrieved by such order may, within sixty days from the date of the order, appeal to the District Collector :

Provided that the District Collector may admit an appeal presented after the expiry of the said period if he is satisfied that the party concerned had sufficient cause for not presenting it within the said period.

Explanation.—For the purposes of this sub-section, " date of the order " means the date on which the order is communicated to the party concerned.

(2) The provisions of section 4 and of sub-section (1) and (2) of section 12 of the Indian Limitation Act, 1908 (Central Act IX of 1908) shall, as far as may be, apply to any appeal under sub-section (1).

(3) An appeal to the District Collector under sub-section (1) shall be in such form and shall be accompanied by such fee as may be prescribed.

(4) The District Collector may, after giving the parties to the appeal, an opportunity of being heard, pass such order thereon as he thinks fit and shall communicate a copy of such order to the party concerned.

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(5) The District Collector may stay the execution of any order passed by the authorized officer pending the exercise of his powers of appeal under this section.

8. *Saving.*—Nothing contained in this Act shall be deemed to affect the application of the Travancore-Cochin Prevention of Eviction of Kudikidappukars Act, 1955 (Travancore-Cochin Act XIII of 1955), as in force in the Kanyakumari district and the Shencottah taluk of the Tirunelveli district, to a kudikidappukaran as defined in section 2 (c) of that Act.

9. *Act to override other laws, contracts, etc.*—Subject to the provisions of section 8, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom, usage or contract or decree or order of a court or other authority.

10. *Costs.*—The costs of and incidental to, all proceedings before the authorised officer or the District Collector shall be in his discretion.

11. *Bar of jurisdiction of civil courts.*—No civil courts shall have jurisdiction in respect of any matter in which the authorized officer or the District Collector is empowered by or under this Act to decide and no injunction shall be granted by any court in respect of any action taken or to be taken in exercise of any power conferred by or under this Act.

12. *Indemnity.*—No suit, prosecution or other legal proceeding shall lie against the authorized officer or the District Collector for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

13. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

14. *Power to make rules.*—(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form of application to be made to the authorized officer under section 4 or section 5;

(b) the manner of holding summary enquiry under section 6;

(c) the manner of communicating to the parties the order under section 6 or under sub-section (4) of section 7;

(d) the form of appeal, and the fee payable, under sub-section (3) of section 7.

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(3) All rules made under this Act and all orders made under section 13 shall be published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act and every order made under section 13 shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or order or both houses agree that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

APPENDIX II.

[Vide item III (3) on page 446 supra.]

L.A. Bill No. 32 of 1961.

(a) Passed by the Assembly.

A Bill to extend the Madras Panchayats Act, 1958, to the transferred territory in the State of Madras and to amend the Madras Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960.

WHEREAS it is expedient to extend the Madras Panchayats Act, 1958 (Madras Act XXXV of 1958) to the transferred territory in the State of Madras and to amend the Madras Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960 (Madras Act 17 of 1960) for the purposes hereinafter appearing;

BE it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Act, 1961.

(2) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;

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(b) "existing law" means any law, Ordinance, Proclamation, regulation, orders, by-law or rule passed or made before the appointed day, by Parliament, or by any Legislature, authority or person having power to make such a law Ordinance, Proclamation, regulation, order, by-law or rule;

(c) "Government" means the State Government;

(d) "Panchayats Act" means the Madras Panchayats Act, 1958 (Madras Act XXXV of 1958);

(e) "Transferred territory" means the Kanyakumari district and Shencottah taluk of Tirunelveli district.

3. *Extension of Madras Act XXXV of 1958 to the transferred territory.*—(1) Subject to the provisions of sub-section (2), with effect on and from the appointed day, the Panchayats Act is hereby extended to, and shall be in force in, the transferred territory.

(2) Notwithstanding anything contained in the Panchayats Act, on and from the appointed day—

(a) each of the local areas specified in column (2) of Schedule I forming the development block specified in the corresponding entry in column (1) thereof for the purposes of the National Extension Service Scheme of Community Development shall be a panchayat development block and such panchayat development block shall be a panchayat union by the name specified in the corresponding entry in column (3) thereof;

(b) there shall be a panchayat union council for each of the panchayat unions specified in Schedule I;

(c) the provisions of sections 115, 116, 117, 118 and 129 of the Panchayats Act shall not apply to the transferred territory unless and until the Government direct, by notification, that any of the provisions aforesaid shall apply or shall apply only with such exceptions, modifications and adaptations, as may be specified in the notification;

(d) until the Government so direct by notification referred to in clause (c), the cess on land corresponding to the local cess under the Panchayats Act which, immediately before the appointed day, was being lawfully levied, assessed and collected by the Government or any other authority in any development block in the transferred territory shall continue to be levied, assessed and collected by the Government or the said authority in accordance with the same principles which governed the levy, assessment and collection of the said cess immediately before the appointed day and the cess so collected shall be distributed among the panchayat union council and the panchayats in the panchayat union concerned in such manner as the Government may, by general or special order, direct;

(e) the provisions of clause (e) of section 65, section 128, section 136, sub-sections (5), (6) and (7) of section 140 and section 193 of the Panchayats Act shall not apply to the transferred territory, unless and until the Government direct, by notification, that

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any of the provisions aforesaid, shall apply or shall apply only with such exceptions, modifications and adaptations as may be specified in the notification;

(f) until the Government so direct by notification referred to in clause (e), any existing law relating to elementary education in force in the transferred territory immediately before the appointed day shall have effect subject to the modification that the powers and functions exercised by a panchayat under such existing law immediately before the appointed day shall, with effect on and from the appointed day, be exercised by the panchayat union council having jurisdiction in the area;

(g) every panchayat in the transferred territory shall be deemed to be a village panchayat for the purpose of grant under section 132 of the Panchayats Act;

(h) in regard to the first constitution of panchayat union councils in accordance with the provisions of the Panchayats Act, as extended by this Act, and in regard to the first reconstitution in accordance with the provisions of the Panchayats Act, as extended by this Act, of panchayats in existence on the appointed day and otherwise in giving effect to the said provisions in the transferred territory, they shall be read subject to the rules specified in Schedule II and the Government shall have power, by notification, to amend, add to or repeal the rules in the said Schedule.

Explanation I.—Every panchayat development block formed under clause (a) shall be deemed to be a panchayat development block declared under clause (a) of sub-section (3) of section 7 of the Panchayats Act.

Explanation II.—Every panchayat union constituted and named under clause (a) shall be deemed to be a panchayat union declared and named under clauses (b) and (c) of sub-section (3) of section 7 of the Panchayats Act.

Explanation III.—Every panchayat union council constituted under clause (b) shall be deemed to be a panchayat union council constituted by a notification under sub-section (1) of section 11 of the Panchayats Act with effect on and from the appointed day.

4. *Repeal of Travancore-Cochin Act II of 1950.*—(1) With effect on and from the appointed day, the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950) (hereinafter in this section referred to as the Travancore-Cochin Act) as in force in the transferred territory immediately before the appointed day, shall stand repealed in the transferred territory.

(2) Any reference in the Panchayats Act, as extended by this Act, to a law which is not in force in the transferred territory on the appointed day shall, in relation to the transferred territory, be construed as a reference to the corresponding law, if any, in force in the transferred territory on the appointed day.

(3) Any reference to the Travancore-Cochin Act in any existing law which continues to be in force in the transferred territory after the appointed day, shall, in relation to that territory, be

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construed as a reference to the Panchayats Act, as extended by this Act.

(4) Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the transferred territory shall, where a corresponding new authority has been constituted by or under the Panchayats Act, as extended by this Act, have effect as if it were a reference to that new authority.

(5) The repeal, by sub-section (1), of the Travancore-Cochin Act shall not affect—

(a) the previous operation of that Act or anything done or duly suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under that Act; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against that Act; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(6) Subject to the provisions of sub-section (5), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected under the Travancore-Cochin Act, shall be deemed to have been done or taken under the corresponding provisions of the Panchayats Act, as extended by this Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the Panchayats Act, as extended by this Act.

(7) For the purpose of facilitating the application of the Panchayats Act, as extended by this Act, in the transferred territory, any court or other authority may construe the Panchayats Act, as extended by this Act with such alterations not affecting the substance as may be necessary or proper to adopt it to the matter before the court or other authority.

5. *Amendment of section 2, Madras Act 17 of 1960.*—In sub-section (1) of section 2 of the Madras Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960 (Madras Act 17 of 1960),—

(i) for clause (a), the following clause shall be substituted, namely :—

“(a) a panchayat union council constituted for any panchayat union for the first time under the said Act or any other law for the time being in force shall consist of—

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(i) the presidents for the time being of the **panchayats** and the chairmen for the time being of the **township committees** in the panchayat union; or

(ii) in the case of any panchayat or township committee specified in the notification issued under section 3, for the period specified in that notification, the members (including the president and vice-president) for the time being of the panchayat or the members (including the chairman) for the time being of the township committee, as the case may be, in the panchayat union;”;

(ii) in clause (c), for the words “ the president shall not cease to hold office as such”, the words “ the president or vice-president of a panchayat shall not cease to hold office as such ” shall be substituted.

6. *Addition of new sections 3 and 4 in Madras Act 17 of 1960.*—After section 2 the Madras Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960 (Madras Act 17 of 1960), the following sections shall be added, namely :—

“ 3. *All members of specified panchayats or township committees to be members of panchayat union council.*—Notwithstanding anything contained in the said Act or this Act as amended by the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Act, 1961 or any other law for the time being in force, the State Government may, by notification, direct that all the members (including the president and vice-president or the chairman as the case may be) of such panchayat or township committee in a panchayat union, as may be specified in the notification, shall be members of the panchayat union council concerned for such period as may be specified in the notification.

7. *Removal of doubts.*—For the removal of doubts, it is hereby declared that—

(1) This Act as amended by the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Act, 1961, shall continue in force in the whole of the State of Madras including the added territory and the transferred territory, and shall be deemed always to have continued in force;

(2) Any member of a panchayat union council holding office as such member by virtue of the provisions of this Act at the commencement of the Madras Panchayats (Extension to Transferred Territory) and Panchayat Union Councils (Special Provisions for First Constitution) Amendment Act, 1961 shall cease to be a member of such panchayat union council—

(a) on such commencement, in case he has ceased to be the president of any panchayat in the panchayat union concerned before such commencement, and

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(b) on the date on which he ceases to be such president in other cases,

unless he is entitled to continue as a member of the panchayat union council in any other capacity.

Explanation.—For the purpose of this section—

(1) ' added territory ' means the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), and

(2) ' transferred territory ' means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district. "

7. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of the Panchayats Act, as extended by this Act to the transferred territory or the Madras Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960 (Madras Act 17 of 1960), as amended by this Act, the Government as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session both Houses agree in making any modification in any such order or both Houses agree that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

SCHEDULE I.

[See section 3 (2) (a) and b.]

Name of the development block.	Area forming the development block.	Name of the panchayat union.
(1)	(2)	(3)

Kanyakumari district.

Rajakkamangalam ..	Names of revenue villages in Agastheeswaram revenue taluk of Padmanabhapuram revenue division—	Rajakkamangalam.
	Neendakara, A.	
	Neendakara, B.	
	Dharmapuram.	
	Parakkai	
	Thengamputhoor.	
	Vadaserry (excluding Municipal area).	
	Thamarakulam (one hamlet only—Chempakaraman-puthenthurai).	
	Valiveeswaram (one hamlet—Vannanvilai only).	

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Name of the development block.	Area forming the development block.	Name of the panchayat union.
(1)	(2)	(3)
<i>Kanyakumari district—cont.</i>		
Agastheeswaram	Names of revenue villages in Agastheeswaram revenue taluk of Padmanabhapuram revenue division— Kanyakumari. Agastheeswaram. Thamarakulam (excluding the hamlet of Chempakaramanputhentburai). Marungoor. Kulasekharapuram. Eraviputhoor. Suchindrum. Theroor. Vadiveeswaram (excluding Vannanvilai and the Municipal area). Nagercoil (excluding the Municipal area.)	Agastheeswaram.
Munchira	Names revenue villages in Vilavancode revenue taluk of Padmanabhapuram revenue division— Arudesom. Ezhuadesom. Kollencode. Methukummel. Kunnathoor. Painkulam.	Munchira.
Melpuram	Names of revenue villages in Vilavancode revenue taluk of Padmanabhapuram revenue division— Palukal. Edaicode. Arumana. Kaliel. Pacode (excluding Municipi- pal area). Vilavancode (excluding Municipal area).	Melpuram.
Killiyoor	Names of revenue villages in Vilavancode revenue taluk of Padmanabhapuram revenue division— Killiyoor. Keezhkulam. Midalam. Keezhmidalam. Nattalam. Nalloor.	Killiyoor.
Thovala	Names of revenue villages in Thovala revenue taluk of Padmanabhapuram revenue division— Chempagaramanputhoor. Thazhakudi. Thovala. Thiruppathisaram. Erachakulam.	Thovala.

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Name of the development block.	Area forming the development block.	Name of the panchayat union.
(1)	(2)	(3)
Thovala—cont.	Kanyakumari district—cont.	Thovala—cont.
	Names of revenue villages in Thovala revenue taluk of Padmanabhapuram revenue division—cont.	
	Esanthimangalam. Bhuthapandi. Darsanamcope. Chiramadam. Aramanalloor. Ananthapuram. Azhakiapandipuram.	
Thalakulam	Names of revenue villages in Kalkulam revenue taluk of Padmanabhapuram revenue division—	Thalakulam.
	Colachel (excluding Muni- cipal area). Thalakulam. Manavalakurichi. Kadiapattanam. Aloor.	
Thuckalai	Names of revenue village in Kalkulam revenue taluk of Padmanabhapuram revenue division.—	Thuckalai.
	Eraniel. Thuckalai (excluding Muni- cipal area). Kalkulam (excluding Muni- cipal area). Thiruvithamcode. Kappiara. Valvachagoshtam. Kothanalloor.	
Thiruvattar	Names of revenue villages in Kalkulam revenue taluk of Padmanabhapuram revenue division—	Thiruvattar.
	Thiruvattar. Thripparappu. Ponmana. Aruvikkara. Mecode. Attoor.	
	Tirunelveli district.	
Shencottah	Names of revenue villages in Shencottah revenue taluk of Tirunelveli revenue division—	Shencottah.
	Snenkottah (excluding Muni- cipal area). Karkudi. Puliyara. Pudur. M-kkara. Achenpudur. Elathur. Kilangad. Ayikudi. Sambavarvadakara.	

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SCHEDULE II.

[See section 3 (2) (h).]

1. In these rules—

(i) “ the old Act ” means the Travancore-Cochin Panchayats Act, 1950 (Travancore-Cochin Act II of 1950);

(ii) “ the new Act ” means the Panchayats Act, as extended by this Act to the transferred territory;

(iii) “ panchayat ” means panchayat constituted under the old Act and in existence on the appointed day;

(iv) “ village ” means any local area which was declared to be a village under the old Act.

2. Every panchayat under the old Act shall, on the appointed day, be deemed to have been classified as a town panchayat under the new Act.

3. Every local area which, immediately before the appointed day, was within the jurisdiction of a panchayat shall be deemed to have been declared to be a panchayat town under the new Act.

4. The total number of members of a panchayat fixed under the old Act and in force on the appointed day shall be deemed to be the total number of its elected members under the new Act.

5. The members of a panchayat holding office on the appointed day shall be deemed to be the elected members of the panchayat under the new Act and such members shall continue to hold office up to the 2nd day of October 1963 or up to such date as the Government may, by notification, fix in this behalf.

6. The reservation of seats for the members of the Scheduled Castes and Scheduled Tribes made under the old Act shall be deemed to have been made under the new Act and any reference to the Scheduled Castes in the new Act shall be construed as including a reference to the Scheduled Tribes.

7. (1) Any division of a panchayat area into wards made under the old Act and in force on the appointed day shall, with effect on and from the appointed day, be deemed to be a division of a panchayat town into wards made under the new Act.

(2) The Inspector shall, as soon as may be after the appointed day, determine the ward which each of the members who is deemed to be an elected member under rule 5 shall be deemed to represent.

8. The president and vice-president of a panchayat holding office on the appointed day shall, subject to the provisions of the new Act, continue to hold office as such president or vice-president up to the date referred to in rule 5.

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9. (1) Any vacancy in the office of the president or vice-president of a panchayat which is in existence on the appointed day or which occurs before the date referred to in rule 5 shall be filled by election under the provisions of the new Act.

(2) Any such vacancy in the office of an elected member of a panchayat shall be filled by election under the provisions of the new Act.

(3) Any person elected as president, vice-president or member of a panchayat under sub-rule (1) or (2) shall hold office only up to the date referred to in rule 5.

Explanation.—For the purpose of this rule, the office of president, vice-president or member of a panchayat to which no person had, at any time prior to the appointed day, been elected shall be deemed to be vacant on the appointed day.

10. Any panchayat dissolved or superseded under the old Act and awaiting reconstitution on the appointed day shall be reconstituted in accordance with the provisions of the new Act.

11. Every Panchayat officer of a panchayat holding office as such immediately before the appointed day shall be deemed to be the executive officer of the panchayat appointed under section 40 of the new Act and all other employees of the panchayat employed wholly or mainly in connection with a panchayat immediately before the appointed day shall continue to be employed in their respective posts under the new Act until the Inspector directs otherwise. The conditions of service of persons so appointed shall be regulated by rules made by the Government from time to time.

12. Every choultry, every dispensary, every maternity or child-welfare centre and every reading room established or maintained by a panchayat before the appointed day shall, with effect on and from the appointed day, vest in the panchayat union council having jurisdiction in the area and be maintained by it.

13. If any registers and accounts relating to the registration of births and deaths were being maintained by any authority or officer before the appointed day, they shall be transferred to the panchayat union council concerned on the appointed day or so soon thereafter as may be specified by general or special order by the Inspector.

14. All libraries, together with the books, furniture and other assets appertaining thereto maintained immediately before the appointed day by any panchayat shall, with effect on and from the appointed day, stand transferred to and be maintained by such authority as the Government may, by general or special order, specify provided that the Government shall have power to modify any such order from time to time and effect shall be given to such modified order by such authority.

15. Where before the appointed day a panchayat has made any contract in the exercise of its powers under the old Act, that contract shall be deemed to have been made in the exercise of its

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powers under the new Act by the panchayat union council having jurisdiction over the area in which that council would have had jurisdiction had this Act been in force at the relevant time; and all rights and liabilities which have accrued or may accrue under any such contract shall, to the extent to which they would have been rights or liabilities of the panchayat, be rights or liabilities of the panchayat union council specified above.

For the purpose of this rule, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract, and

(b) any liability in respect of expenses incurred or in connection with such proceedings.

16. All proceedings taken by or against any panchayat or other authority under the old Act may, in so far as they are not inconsistent with the new Act, be continued by or against such panchayat or authority under the new Act.

17. Any remedy by way of application, suit or appeal available to or against a panchayat exercising jurisdiction immediately before the appointed day, shall, after the appointed day, be available to or against the panchayat or panchayat union council concerned.

18. Any action taken by a panchayat, exercising jurisdiction immediately before the appointed day, shall, subject to such directions as the Government may, by general or special order give in this behalf, be deemed to have been taken by the panchayat or panchayat union council concerned unless and until superseded by action taken by that panchayat or panchayat union council.

19. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in the foregoing provisions of this Schedule, it shall be dealt with in accordance with that provision. The benefit or burden of any assets or liabilities of a panchayat not dealt with in the foregoing provisions of this Schedule shall be subject to such financial adjustments as the Government may, by order, direct.

20. If any difficulty arises in giving effect to the provisions of these rules, the Government, as occasion may require, may, by notification, do anything which appears to them to be necessary for the purpose of removing the difficulty.

I certify that this is a Money Bill.

Fort St. George Madras,

31-8-1961.

B. BHAKTAVATSALAM NAIDU,
Deputy Speaker, Madras Legislative Assembly.

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APPENDIX III

[Vide item III (4) on page 448 supra.]

L.A. Bill No. 33 of 1961.

(As passed by the Assembly.)

A Bill to extend the Madras District Development Councils Act, 1958, and the Madras Panchayats Act, 1958, to the added territory in the State of Madras.

WHEREAS it is expedient to extend the Madras District Development Councils Act, 1958 (Madras Act XVIII of 1958) and the Madras Panchayats Act, 1958 (Madras Act XXXV of 1958) to the added territory in the State of Madras;

BE it enacted in the Twelfth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras District Development Councils and Panchayats (Extension to Added Territory) Act, 1961.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “ added territory ” means the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959).

(b) “ appointed day ” means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;

(c) “ District Development Councils Act ” means the Madras District Development Councils Act, 1958 (Madras Act XVIII of 1958);

(d) “ existing law ” means any law, Ordinance, Proclamation, regulation, order, by-law or rule passed or made before the appointed day, by Parliament, or by any Legislature, authority or person having power to make such a law, Ordinance, Proclamation, regulation, order, by-law or rule;

(e) “ Panchayats Act ” means the Madras Panchayats Act, 1958 (Madras Act XXXV of 1958).

3. *Extension of Madras Act XVIII of 1958 to the added territory.*—(1) Subject to the provisions of sub-section (2), with effect on and from the appointed day, the District Development Councils Act is hereby extended to, and shall be in force in, the added territory.

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(2) Notwithstanding anything contained in the District Development Councils Act, on and from the appointed day,—

(a) the territories specified in Parts I, II and III of the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959) shall be deemed to form part of the Chingleput district, and

(b) the territories specified in Parts IV, V, VI, VII and VIII of the said Second Schedule shall be deemed to form part of the North Vellore district,

for the purposes of the District Development Councils Act.

Explanation.—For the purposes of this sub-section, the word 'district' shall have the meaning assigned to it in clause (1) of section 2 of the District Development Councils Act.

4. *Extension of Madras Act XXXV of 1958 to the added territory.*—(1) Subject to the provisions of sub-section (2), with effect on and from the appointed day, the Panchayats Act is hereby extended to, and shall be in force in, the added territory.

(2) Notwithstanding anything contained in the Panchayats Act, on and from the appointed day,—

(a) each of the local areas specified in column (2) of Schedule I forming the development block specified in the corresponding entry in column (1) thereof for the purpose of the National Extension Service Scheme of Community Development shall be a panchayat development block and such panchayat development block shall be a panchayat union by the name specified in the corresponding entry in column (3) thereof.

(b) there shall be a panchayat union council for each of the panchayat unions specified in Schedule I;

(c) the villages specified in column (1) of Schedule II shall be deemed to have been included in the panchayat development block and the panchayat union specified in the corresponding entries in columns (2) and (3) thereof;

(d) the members of a panchayat holding office on the appointed day shall be deemed to be elected members of the panchayat under the Panchayats Act, as extended by this Act, and such members shall continue to hold office up to the 2nd day of October 1963 or up to such date as the Government may, by notification, fix in this behalf.

Explanation I.—Every panchayat development block formed under clause (a) shall be deemed to be a panchayat development block declared under clause (a) of sub-section (3) of section 7 of the Panchayats Act.

Explanation II.—Every panchayat union constituted and named under clause (a) shall be deemed to be a panchayat union declared and named under clauses (b) and (c) of sub-section (3) of section 7 of the Panchayats Act.

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Explanation III.—Every panchayat union council constituted under clause (b) shall be deemed to be a panchayat union council constituted by a notification under sub-section (1) of section 11 of the Panchayats Act with effect on and from the appointed day.

Explanation IV.—A panchayat union council constituted before the appointed day for a panchayat union specified in column (3) of Schedule II shall, in relation to the villages specified in the corresponding entries in column (1) thereof, be deemed to be constituted by a notification under sub-section (1) of section 11 of the Panchayats Act with effect on and from the appointed day.

5. *Repeal of Andhra Pradesh Act XXXV of 1959.*—(1) With effect on and from the appointed day, the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act, 1959 (Andhra Pradesh Act XXXV of 1959) hereinafter in this section referred to as the said Act), as in force in the added territory immediately before the appointed day, shall stand repealed in the added territory.

(2) Notwithstanding such repeal any Panchayat Samithi constituted under the said Act in respect of any area in the added territory shall, on the constitution of a panchayat union council for such area under the Panchayats Act, as extended by this Act, stand dissolved and all the assets and liabilities of such Panchayat Samithi shall stand transferred to and vested in the panchayat union council.

(3) Any reference in the Panchayats Act, as extended by this Act, to a law which is not in force in the added territory on the appointed day shall, in relation to the added territory, be construed as a reference to the corresponding law if any, in force in the added territory on the appointed day.

(4) Any reference to the said Act in any existing law which continues to be in force in the added territory after the appointed day shall in relation to that territory, be construed as a reference to the Panchayats Act, or the District Development Councils Act, as the case may be.

(5) Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the added territory shall, where a corresponding new authority has been constituted by or under the Panchayats Act, or the District Development Councils Act, as extended by this Act, have effect as if it were a reference to that new authority.

(6) Subject to the provisions of sub-section (2), the repeal of the said Act by sub-section (1) shall not affect—

(a) the previous operation of the said Act or anything done or duly suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or

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(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act; or

(d) any investigation, legal proceeding or remedy in respect of any such right privilege obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(7) Subject to the provisions of sub-section (6), anything done or any action taken, including any appointment or delegation made, notification order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected under the said Act shall be deemed to have been done or taken under the corresponding provisions of the Panchayats Act, or the District Development Councils Act, as extended by this Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the Panchayats Act, or the District Development Councils Act, as extended by this Act.

(8) For the purpose of facilitating the application of the Panchayats Act or the District Development Councils Act, as extended by this Act, in the added territory, any court or other authority may construe the Panchayats Act or the District Development Councils Act, as the case may be, with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

(9) Any reference to the Madras District Boards Act, 1920 (Madras Act XIV of 1920) in the Panchayats Act, as extended by this Act, shall, unless the subject or context otherwise requires, be construed as including a reference to the said Act and any reference to a district board shall be construed as including a reference to a Panchayat Samithi.

6. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of the Panchayats Act, or the District Development Councils Act, as extended by this Act, the State Government, as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such order or both Houses agree that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

1st September 1961]

SCHEDULE I.

[See section 4 (2) (a) and (b).]

Name of the
development
block.Area forming the
development.
block.Name of the
panchayat
union.

(1)

(2)

(3)

Chingleput district.

Ramakrishnarajupet.. Census Code numbers and names Ramakrishnarajupet.

of revenue villages in Rama-
krishnarajupet revenue firk
in Pallipet revenue sub-taluk
of Tiruvallur revenue divi-
sion.—

99. Narasampeta.
100. Rajanagaram Santhayatham.
135. Gownipuram Chinna-
subbaraju Khandriga.
136. Siddayagunta Khandriga.
137. Madirajupermalraju Khan-
driga.
138. Elavarthimummalaraju
khandriga.
139. Chiralagurrappa Khandriga.
141. Ulehirangaraju Khandriga.
142. Chinthalangunta Khan-
driga.
161. Singasamudram.
175. Sandayatham Anjaneya-
puram.
176. Anjaneyapuram.
179. Rajanagaram (included in
village No. 100).
186. Narayanapuram.
192. Kadanaganagaram.
193. Yagnapuram.
194. Janakarakuppam.
196. Anandhavallipuram.
197. Tyagapuram.
198. Mohinipuram.
199. Appukondayya Khandriga.
200. Mutyalavaripalle.
201. Lakshmipuram.
202. Raghavanaidukuppam.
205. Ammavarakuppam.
206. Narayanapuram.
207. Mosur.
208. Vanganur.
209. Krishnakuppam.
210. Chenzalvarayudukhan-
driga.
211. Sirigirirajubadrarakukhan-
driga.
212. Madurapuram.
213. Changareddi Narayana-
reddikhandriga.
214. Santhanavenugopalapuram.
227. Khandapuram.
228. Ramakrishnarajupet.
229. Bhadraraju Khandriga.
230. Srikrishnapuram.
233. Akkachikuppam.
243. Ramajosyulu Khandriga.
244. Balapuram.
245. Srikalikapuram.
246. Chandravillasapuram.
247. Shro. Ramapura Agraharam.
248. Govatsapuram.

[1st September 1961]

Name of the development blo k.	Area forming the development block.	Name of the panchayat union.
(1)	(2)	(3)
Ramakrishnarajupet —cont.	Census Code numbers and names of revenue villages in Rama- krishnarajupet revenue firka in Pallipet revenue sub-taluk of Tiruvallur revenue division —cont.	Ramakrishnarajupet —cont.
	266. Damaneri. 267. Swethavarahapuram. 268. Vellatur. 269. Ammaneri. 270. Kodapuram. 278. Audivarahapuram. 295. Viranathur. 296. Ayyaneri.	
	Census Code numbers and names of revenue villages in Erumbi revenue firka in Pallipet revenue sub-taluk of Tiru- vallur revenue division—	
	226. Kaver puram. 242. Mahankalipuram. 272. Venkataperumalrajupu- ram. 275. Tirunadharajapuram. 277. Veeramangalam. 281. Peddanagapudi. 282. Devakipuram. 289. Naidu Thopu. 291. VEDIYANGADU. 292. Devalambapuram Maka- rajapuram. 293. Chionanagapudi. 294. Erumbi alias Aswarevan- thapuram. 300. Singarajapuram. 301. Gopalapuram. 302. Chinnaramapuram. 303. Peddaramapuram. 304. Chanuramallayaram. 305. Koleri alias Sahasrapada- napuram. 311. Mylarwada. 312. Makamambapuram. 313. Tirumalambapuram. 314. Prabhayankarapuram. 315. Meesaragantapuram. 317. Nilotpalapuram. 318. Padmapuram. 319. Paivalasa. 320. Katarikuppam.	
Pallipet	Census Code numbers and names of revenue villages in Pallipet revenue firka in Pallipet revenue sub-taluk of Tiruvallur revenue division—	Pallipet
	5. Veligram. 6. Melkalpatteda. 7. Pallipet. 8. Surarajupatteda. 9. Rangepalli. 10. Kolathur. 11. Kolathur Ramiahkhand- riga.	

1st. September 1961]

Name of the development block.	Area forming the development block.	Name of the panchayat union.
(1)	(2)	(3)
Pallipet—cont.	Census Code numbers and names of revenue villages in Pallipet revenue firkā in Pallipet revenue sub-taluk of Tiruvallur revenue division—cont.	Pallipet—cont.
	12. Nedium. 13. Aravasipatteda. 14. Samanthavada. 15. Karimbedu. 16. Kesavarajupuram. 17. Ramachandrapuram. 18. Chinnatimmarajupatteda. 19. Venkataramajukuppam. 20. Sangeethakuppam. 21. Tirumalrajupet. 22. Tirunadharajupuram. 23. Kumararajupeta. 24. Melapudi. 25. Reddipalli Subbaraokhandriga. 26. Purnam Sanjeevirayunikhandriga. 27. Punyam. 29. Kadapanthangal. 30. Kaverirajupeta. 31. Bommarajupeta. 53. Sitaramapuram. 54. Vadakuppam. 55. Katlambakkam. 63. Kodivalasa. 64. Athimanageri. 65. Venkatapuram. 79. Chinnathimanageri. 178. Pakala Narayana Reddikhandriga. 185. Makamambapuram.	
	Census Code numbers and names of revenue villages in Prodatpeta revenue firkā in Pallipet revenue sub-taluk of Tiruvallur revenue division—	
	32. Gollalakuppam. 33. Chandrappanaidukandriga. 34. Chinnamudipalli. 35. Kesavarajukuppam. 49. Prodatturpet (Non-City Urban). 50. Ragimanukhandriga. 51. Pandravedu. 52. Gantavarikuppam. 56. Konasamudram. 57. Kakalur. 58. Vengalrajukuppam. 59. Ramapuram. 66. Kothakuppam. 67. Petakandriga. 68. Jangalapalli. 69. Nedigallu. 81. Nochili. 82. Keechalam. 83. Ramasamudram. 84. Ulehiguruvarajukhandriga. 85. Kongugarlkuppam.	

[1st September 1961]

Name of the development block.	Area forming the development block.	Name of the panchayat union.
(1)	(2)	(3)
Pallipet—cont.	<p>Census Code numbers and names of revenue villages in Proclaturpeta revenue firka in Pallipet revenue sub-taluk of Tiruvallur revenue division—cont.</p> <p>86. Gownipuram Badraraju-khandriga.</p> <p>97. Korakuppam.</p> <p>101. Kannikambapuram.</p> <p>102. Balakrishnapuram.</p> <p>103. Dwarakapuram.</p> <p>104. Krishnamarajukuppam.</p>	Pallipet—cont.
Tiruttani.	<p>Census code numbers and names of revenue village in Tiruttani revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division—</p> <p>74. Maduru.</p> <p>87. Alimelumangapuram.</p> <p>88. Singarapuram.</p> <p>89. Thayamambapuram.</p> <p>109. Thiruvengalanadharapuram.</p> <p>110. Ramachandrapuram.</p> <p>120. Balakrishnapuram.</p> <p>121. Murukambattu.</p> <p>123. Subramanypuram.</p> <p>129. Medinipuram.</p> <p>127. Srinivasapuram.</p> <p>128. Srinivasayya Khandriga.</p> <p>166. Chengalvapuram Agra-haram.</p> <p>167. Dharanivarahapuram.</p> <p>168. Velanjeri.</p> <p>169. Srinivasapuram.]</p> <p>187. Kasindhapuram.</p> <p>188. Pattabiramapuram.</p> <p>189. Velayudakuppam.</p> <p>190. Vinayakapuram.</p> <p>203. Ayyavarinaidu Khandriga.</p> <p>216. Pratapa Uddandamakarapuram.</p> <p>217. Agoor.</p> <p>218. Amruthapuram.</p> <p>219. Thiruthani (Non-City Urban).</p> <p>220. Thiruthani (Rural).</p> <p>221. Meldevadhanam.</p> <p>222. Keeladevadhanam.</p> <p>235. Perumalmanyam Khandriga.</p> <p>240. Devasenapuram.</p> <p>256. Kannikapuram.</p> <p>257. Valliyamma puram.</p> <p>258. Padmapuram.</p> <p>259. Karthikeyapuram.</p> <p>260. Perumalthangal.</p> <p>280. Beddakadaur.</p> <p>283. Kesavarajupet.</p> <p>284. Bikkasanivengamanaidu Khandriga.</p> <p>285. Chinnakadambur.</p> <p>125. Sathrajayapuram.</p>	Tiruttani.

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Name of the development block.	Area forming the development block.	Name of the panchayat union.
(1)	(2)	(3)
Tiruttani—cont.	Census Code numbers and names of revenue villages in Cherukannur revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division—	Tiruttani—cont.
	105. Venugopalapuram. 106. Rayasam Venkatakrishnayya Khandriga. 107. Krishnasamudram. 140. Nallur Perumalraju Khandriga. 143. Nalluru Venkataraju Khandriga. 144. Sirugumi. 145. Veeranaidupalem. 146. Rajakallarapuram. 147. Suryanagaram. 148. Shotriam Bommerajapuram. 149. Tekkukur. 162. Berumkanchi Narasimhunikhandriga. 163. Veerakaverirajapuram. 164. Erramasetti Narasimhuni Khandriga. 165. Kumara Bommarajapuram. 180. Thaduru. 181. Talati Thangal. 182. Errappanaidu Khandriga. 183. Veerakanellore. 184. Netteri Khandriga. 215. Koramangalam. 231. Thummalsheruvu Khandriga. 232. Maharajapuram. 234. Beerakuppam. 236. Veerakaverirajapuram. 237. Kanchiguruvaraja Khandriga. 250. Velucukrishnamanaidu Khandriga. 251. Lakshminarasimhapuram. 252. Tondamanatinarayana reddy Khandriga. 253. Senagalathur Agraharam. 254. Cherrukunur. 255. Berumalthangal. 279. Mambakkam. 316. Makammambapuram.	
Thiruvalangadu	Census Code numbers and names of revenue villages in Poonimangadu revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division=	Thiruvalangadu.
	45. Nallatur. 46. Chivvada. 47. Siddanthipuram. 48. Kondapuram. 60. Ponnimangadu. 61. Venkatapura Agraharam. 70. Ponbadi Gollakuppam. 71. Kodanda Ramapuram. 72. Nemali.	

[1st September 1961]

Name of the development block.	Area forming the development block.	Name of the panchayat union.
(1)	(2)	(3)
Thiruvalangadu—cont.	Census Code numbers and names of revenue villages in Ponnimangadu revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division—cont.	Thiruvalangadu—cont.
	75. Arumbakkam. 90. Pombadi. 91. Arumgolam. 92. Tirukkolam Khandriga. 111. Talavedu. 112. Narayanasamudram Agraharam. 113. Mamandur. 124. Ramachandrapuram. 134. Gopalakrishnapuram. 249. Srikrishnapuram.	
	Census Code numbers and names of revenue villages in Kanakammachattram revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division—	
	115. Nekkiniagraharam. 116. Nekkinipeta. 117. Venugopalakrishnapuram. 129. Nelambaram. 130. Raghunathapuram. 131. Sithapuram. 132. Patramthangal. 133. Panapakkam. 150. Arcotkuppam. 151. Guler. 152. Kapjipadi. 153. Rangapuram. 170. Nabaloor. 171. Kunnathur. 172. Ellupur. 173. Muddukondapuram. 186. Narayanapuram. 204. Kondapuram. 233. Ramapuram. 238. Kaverirajapuram. 239. Kurmavilasapuram. 261. Ramalingapuram. 262. Parasapuram. 263. Venugopalapuram. 286. Veeraraghavapuram. 228. Bhavavatha Pattabirama- puram.	
	Census Code numbers and names of revenue villages in Manur revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division—	
	28. Patnam Seshayyakhand- riga. 287. Tiruvelangadu. 288. Narthavada. 290. Dhanushayapuram. 297. Palayanur. 299. Pulavanalluru. 306. Banapuram.	

1st September 1961]

<i>Name of the development block.</i>	<i>Area forming the development block.</i>	<i>Name of the panchayat union.</i>
(1)	(2)	(3)
Thiruvalangadu— —cont.	<i>Census Code numbers and names of revenue villages in Manur revenue firka in Tiruttani revenue taluk of Tiruvallur revenue division—cont.</i>	Thiruvalangadu cont.—
	37/1 & 2. Vysapuram.	
	308. Rajapadmapuram.	
	309. Rajaratnapuram.	
	310. Jagirmangalam.	
	324. Shrotriam. Pattabirama- puram.	
	325. Tholudavoor.	
	326. Marudavallipuram.	
	327. Manoor.	
	328. Kuppam Khandriga.	
	329. Herischandrapuram.	
	330. Lekshmivilasapuram.	
	331. Saunakapuram.	
	332. Rathur.	
	333. Paakasala.	
	334. Japti Shortiun Rama- puram.	
	335. Peddakalakattur.	
	336. Chinnamandli.	
	338. Kalambakkam.	

SCHEDULE II.

[See section 4 (2) (c).]

<i>Name of the village.</i>	<i>Name of the development block.</i>	<i>Name of the panchayat union.</i>
(1)	(2)	(3)
	<i>Chingleput district.</i>	
<i>Census Code number and name of revenue village in Mappedu revenue firka of Tiruvallur revenue taluk of Tiruvallur revenue division—</i>		
337. Chitrambakkam.	Kadambathur	Kadambathur.
	<i>North Arcot district.</i>	
<i>Census Code numbers and names of revenue villages in Parangi revenue firka in Arkonam revenue taluk of Ranipet revenue division—</i>		
321-1 and 321-2. Perumalraju- peta.	Kaveripakkam	Kaveripakkam.
322. Thandlam.		
393. Nandimangalam.		
<i>Census Code numbers and names of revenue villages in Arkonam revenue firka in Arkonam revenue taluk of Ranipet revenue division—</i>		
307-3. Ambarishapuram.	Arkonam	Arkonam.
307-4. Sukapuram.		

[1st September 1961]

Name of the village.

Name of
the development
block.Name of the
panchayat
union.

(1)

(2)

(3)

*Census Code numbers and names
of revenue village in Ranipet
revenue firka in Walajapet
revenue taluk of Ranipet revenue
division—*

248. Avularangaiahpalle
277. Gollavaripalle.
279. Thengal.
280. Balekuppam.
373. Ammavaripalle.

Sholingur

.. Sholingur.

351. Kondamanayanipalam.
352. Paramasattu.
353. Madandakuppam.
354. Gollapalle.
393. Mahimandalam.
364. Perumallakuppam.
365. Erugambat.
366. Vellimalai.
368. Mutharasikuppam.
369. Vennampalle.
370. Kodukkanthangal.
371. Elayanellore.
372. Thenpalle.
373. Sripadanellore.
374. Veppalai.
375. Melpadi.

*Census Code numbers and names
of revenue villages in Gudi-
yatham East revenue firka in
Gudiyatham revenue taluk of
Tirupattur revenue divi-
sion—*

290. Dakshinapathapalle.
295. Puttavaripalle.
297. Rangasamudram.
298. Vidyasankarapuram.
299. Vidonapalle.
300. Varadareddipille.
301. Veerisetippalle.
302. Paradarami.

Gudiyatham

.. Gudiyatham.

*Names of revenue villages in
Vaniyambadi revenue firka in
Tirupattur revenue taluk of
Tirupattur revenue divi-
sion—*

Javvajiramasamudram.
Gollapallee.

Vaniyambadi

.. Vaniyambadi.

I certify that this is on Money Bill.

Fort. St. George,
Madras,
31st August 1961.

B. BHAKTAVATSALU NAIDU,
Deputy Speaker, Madras Legislative Assembly.



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NINETEENTH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

21st to 24th, 28th to 31st August, and 1st September 1961.

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Failure of Government to consult the House (Council) before tendering advice to the President of India in the matter of amendment to the Delimitation of Council Constituencies (Madras) Order, 1961, and the allocation of the sitting Members to the newly delimited constituencies—Ruled out of order for the reasons: (1) that the responsibility of the State Government to consult the House was not established inasmuch as section 12 of the Representation of the People Act constituted the President of India as the sole and final authority empowered to alter or amend any order of delimitation of constituencies made under section 11 and also empowered him to allocate any sitting Member to any of the newly delimited constituencies and neither he was statutorily bound to consult the State Government nor the State Government, the House concerned, and (2) that a starred question on the subject given notice of by Dr. A. Sreenivasan and admitted was likely to be answered in the course of the meeting when Members would have ample opportunity to elicit full and further information on the matter

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When a Member comes into the House or goes out, it is very imperative and very necessary to pay obeisance to the Chair ..

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